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OBSERVATIONS

ON THE

A P P E A L

FROM THE

New to the Old Whigs,

AND ON

MR. PAINE'S

R I G H T S O F M A N.

IN TWO PARTS.

By SIR BROOKE BOOTHBY, BART.

D U B L I N:

PRINTED BY H. FITZPATRICK,

FOR W. JONES, No. 86, DAME-STREET.

1792.

KE 1841



ADVERTISEMENT.

THE following pamphlet was designed for anonymous publication. A consideration which I had not sufficiently weighed, determines me to put my name to it. In the discussion of characters and facts, something must always rest upon the supposed integrity and judgment, and knowledge of the Author: and I will not mislead the Reader to give
more

ADVERTISEMENT.

more or less of this sort of credit than I can justly claim : I feel it therefore necessary to declare in my own name, that my authorities are derived solely from the common sources of observation and inquiry, equally open to all ; that I am unconnected with any party, and write without any concurrence or communication whatever.

Under the shade of an anonymous character, I have perhaps expressed myself with somewhat less reserve of men and things than I might have been inclined to use in my own person ; but to reduce this work to a lower and more modest tone, the whole of it must have been cast over again ; a disgustful and laborious task ;

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task; I therefore say with Pilate, "what I have written, I have written." I have asserted nothing that I do not believe, and perhaps nothing of which I am sure; for though I may have employed absolute modes of expression, no man is more distrustful of facts, or more diffident of his own opinions. There was a time indeed, when I would not have hazarded my repose, by entering into such a warfare; but on this head I have at present the misfortune to be free from all anxiety.

March 1792.



PART I.

OBSERVATIONS

ON THE

A P P E A L

FROM THE

New to the Old Whigs,

ADDRESSED TO

THE AUTHOR.

—“dum fessâ mente, retinet silentii impatientiam.”—

TACIT.



YOUR apology for the author of the *Reflections on the Revolution in France*, though written with great pretensions to moderation, contains, I think, deeper malice than the most violent of that gentleman's recent productions. If your object had been simply to restore the reputation of your friend to the place which it lately held in the general estimation, every good man must have wished you success: for though it is of small importance to the world whether Mr. Burke goes into retirement voluntarily, *ut conviva satur*, as a satisfied guest rises from table, or whether he is driven from the stage by the disapprobation of his associates; whether it be owing to the inconsistency of his conduct, or his want of judgment in the choice of his friends, that he can neither retreat from his situation with dignity, nor decently remain in it; though these are objects of no public moment in a case adapted rather to deter as a

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warning

warning than to invite to imitation as an example; yet the degradation of a man of character whether through misfortune or fault, will always offer a home-felt lesson to those who have any reputation of their own to preserve; and an honest attempt to soften the errors or extenuate the misconduct of such a person, must ever be received with much candour and good will.

But nothing, as it appears, is more remote from the Gentleman's intentions than this kind of apology. Far from wishing to resume his ancient station, or to be reconciled to his ancient confederates, he rejects and abjures them all with much anger and disdain. He has it seems at last discovered that the *Sinope** of opposition, bleak and barren, buffeted with waves and beaten by tempests, is not a tenable situation. Be it so. This also might have been silently endured. His old companions would have seen him basking in the sun-shine of royalty, the delight of bishops and the admiration of white staves, with a smile perfectly guiltless either of envy or ill-will; and though they

* What this *Sinope* is, from which the right honourable gentleman receives his banishment with so much haughty indifference, and in which he condemns the Duke of Portland and Mr. Fox to remain, I confess myself so dull as not clearly to comprehend. If indeed he had been disfranchised, and desired not to return by the citizens of Galway or Loughrea, this cynical reply might have been very apposite.

might

might have mourned the loss of their comrade in the warfare, they must soon have been consoled with the consideration that the advantages derived from his assistance had always been in a great degree counterbalanced by an intemperance of oratory which frequently alienated and disgusted moderate men. They might have been afflicted personally, but as a *party* they must have found themselves relieved.

Such in all probability would have been the sentiments, and such the conduct of the gentleman's friends, if, in quitting his party, he had confined himself to making the best apology he could offer for an action which certainly at first view always stands in great need of one. But when you abandon the defensive of *his* reputation to make an insidious attack upon a great body in Parliament, comprising a considerable part of the ability, and virtue, and consequence of the nation, the state of the case is entirely changed. The character of such a party is of far other importance than that of any single individual. The charges ought to be, and must be examined. For the advantage of the party you accuse, I am persuaded they cannot be too often or too much discussed.

In this discussion I should willingly have separated your defence of your client from your
B 2
charge

charge against the party, and have confined myself wholly to the latter ; but it will be necessary to shew that the attack is founded on premises inconsistent or contradictory, or in some other way absurd ; and if you, his advocate, have thought it most for your purpose to involve the attack and the defence so much in each other, that they must stand and fall together, this, let it be remembered, is no fault of mine.

Allow me here to say something of myself and my motives. I do assure you, Sir, I have no connection either personal or political with the party in whose cause I have entered the lists with my beaver up, and without any device upon my arms. I have not the honour to belong to any club or political society whatsoever ; and I think I may without arrogance assume that “ equestrian character ” which you describe, as best calculated to take “ the middle station,” from whence all extremes are seen at an equal distance, and as “ best fitted, to prevent things from running to excess on either side.” To this I should have added that I am a whig ; but you have endeavoured so to unsettle the foundation of this character ; so to confound it with all disturbers of public order, the enemies of the monarchy, the broachers of the most new and fantastical positions, on one side ; and with the maintainers of passive obedience and non-resistance, high-church doctrines,

trines, and anti-revolution principles, on the other ; that it is become necessary before one can venture to assume that appellation, to state what is meant by it. According to you, it should seem that all persons, of whatever description or denomination, who are not ready to subscribe *in toto* and without reserve, to the whole pleadings against the natural rights and liberties of mankind, set forth in the *Reflections*, are in a state of damnable error. The *Reflections* contain the articles of the true catholic doctrine, which except a man believe faithfully, he cannot be saved. In vain should we offer to receive many of the positions, upon condition that we may be allowed to doubt of others ; like the church you admit of no shades of resistance to your *dogmata* ; your tone, like her's, is perfectly firm and resolute. *Ex cathedra non est salus*. In the discussion of these infallible decisions, which I mean to examine with true protestant courage, my own confession of faith must of necessity appear. I will not therefore here state what that religion *is*, but what it *is not*—I am not a *Burkite*—I am not a *Painite* ; and I will postpone putting in *my* claim to the character of a whig, till we have thoroughly inquired into your friend's title to it.

I am principally induced to consider your appeal, by a firm conviction that the party you attack have shewn themselves, after a long and
severe

severe trial, well deserving of the confidence of the people whose cause they have maintained, now for many years, with great fidelity and more success than could have been expected, considering the circumstances under which they have acted. A good understanding between the people out of doors and their avowed advocates in parliament, so that each shall be ready to support the other in the old constitutional way, is, I think, an object of the first importance for restraining ministers within any sort of due bounds ; and I consider on the contrary, whatever tends to interrupt or disturb this good understanding, as proportionably dangerous and pernicious. This party has of late been rising fast in the public opinion. Its true value begins to be known. It has made a great stand, unbroken and undismayed, against ministerial influence and power, hitherto without example, against all the insolence of unmerited prosperity, against torrents of bribed abuse, against royal aversion and popular prejudice ; and shall a single arm perform at one insidious blow, what a whole host of open enemies has not been able to accomplish in a long war ? No ; the javelin may be sharp and envenomed, and thrown with no feeble arm, but it has not found the vulnerable heel of this Achilles.

There is so little of order in your appeal, the argument and the oratory are so twisted and interwoven

interwoven together, that a plain answer is made exceedingly difficult. Every appeal to the judgment of mankind, which desires to be fairly tried, will above all things labour to produce that clear arrangement and simple exposition of the facts, and that explicit enunciation of the arguments which foresees and comes forward to meet all that can be fairly urged on the opposite side. You, on the contrary, have chosen to rest the force of your plea upon the facility with which it eludes the grasp. A charge is indeed made, and a very heavy one too, but it is made in hinted crimes and hesitated imputations. Nothing is palpable. When we think we have in our hold, an argument, we see it escape from us in the form of a simile or an allusion,

—*Verum ubi correptum manibus vinculisque tenebris
Dum variz eludent species—*

the strength of your fortress consists in the slippery and fluctuating ground on which it stands, because by that alone it can be approached.

I will first endeavour as well as I can (for I really wish to be understood) to collect together the disjointed members of your accusation; to bring the charge into one clear point of view.

You

You state that your client is *at issue with the party before the public*. About what is he at issue? Not upon their objections to the principles laid down in the *Reflections*, because on that point you tell us this high Court of dernier resort has already pronounced—that *his representation is authenticated by the verdict of his country, and his fidelity recognised by the body of the people—that he finds subject not only of consolation but of pride—that the matter stands exactly as he wishes it*. All farther defence after this would be not only superfluous but offensive to the decision of the court. The only object then about which your client can remain at issue with the party, consistently with your own declarations, is upon his counter accusation against his supposed accusers. In spite of the whining intermixture of deprecatory lamentation with which you endeavour to mitigate the dereliction of his party, to palliate the odium of this sort of *turning King's evidence*, this is and can only be the object of the present appeal,

Now let us see what the accusation is,

You declare *that you are very unwilling to suppose that the doctrines of some books lately circulated, are the principles of the party, though from the vehement declarations against his opinions, you are at some loss how to judge otherwise*.

Page

Page 9, you tell us what these books are ; that *they are the most atrocious and treasonable libels against all the hitherto cherished objects of the love and veneration of the people ;* and page 84, that *they are full of shallowness, levity, pride, presumption, and ignorance. As to the rest, you add, it will be difficult for Mr. Burke to conform to the principles of the avowed leaders of party, who are its authentic organs, and with whom in their public capacity the party must be considered as unanimous, until they appear otherwise than negatively.* (So then the gentleman knows nothing of the principles of the party with which he had been acting for so many years, otherwise than negatively !) *All you can gather from them is that their principles are diametrically opposite to his. Their negative declaration obliges you to have recourse to the books which contain positive doctrines. They (the positive doctrines of Mr. Paine's pamphlet afterwards cited at length) are indeed diametrically opposite to those Mr. Burke holds ; and if it be true, as they have said, you hope hastily, that their opinions differ so widely from his, it should seem, they (the doctrines you cite from Paine) ARE MOST LIKELY TO FORM THE CREED OF THE MODERN WHIGS*. If the party are dis-*

* Priests have sometimes made their deities speak to the people by strange organs ; but Mahomet's pigeon, or St. Anthony's pig, are certainly not more extravagant vehicles for the will of Heaven, than Thomas Paine's Rights of Man for the sentiments of the Duke of Portland and Mr. Fox.

posed to serve their country (as you trust they are) they are in a condition to render it services of the highest importance. If through mistake or passion they are led to contribute to its ruin, we shall not be destroyed by men of mean or secondary capacities.

Here then is the charge brought together with all its qualifying doubts and palliative parentheses. Now mark the curious sophism by which alone it is attempted to be supported. The party have condemned the *Reflections*, *unavocæ*; they have declared that they hold opinions diametrically opposite to it; but Mr. Paine's opinions are diametrically opposite to those contained in the *Reflections*, therefore Mr. Paine's opinions and those of the party are the same. The force of such logic certainly depends much upon the oratory with which it is accompanied. What? because a man rejects one extreme, is he obliged to run into the other? Is not the middle point between two extremes (though at a less distance) as diametrically opposite to each as they are to one another? Because I think, which I most sincerely do, that the destruction of despotism in France is likely to advance the future happiness and improvement of mankind, does it therefore follow that I wish to overturn our own free and excellent established Constitution, from which the very event I admire draws its origin, and to which it is congenial? or that I am a lover of the murder

der and rapine incident to convulsions of the state? *One would think that such a thing as a medium had never been heard of in the moral world.* Permit me to borrow your own words; "this mode of arguing from having approved
 "any thing in a certain line, to the necessity
 "of approving every thing, has political consequences of other moment than those of a logical fallacy. If no man can propose any diminution or modification of an invidious or dangerous power or influence in government, without intitling *friends turned into adversaries* to argue him into the destruction of all prerogative, and to a spoliation of royalty, I do not know what can more effectually deter persons of sober minds from engaging in any reform; nor how the worst enemies to the liberty of the subject could contrive any method more fit to bring all correctives on the power of the crown, into suspicion and dispute." I can add nothing to this.

In a reply to an appeal I should have wished to be able to proceed in some progressive order, by which the points in dispute might have been more fairly contended, and the labour much abridged. But the reach of my comprehension has furnished no means of giving a regular answer to a performance wholly desultory. I can at last find no better order than the pages of the book. In this at least the answer is

sure not to be more digressive than the work itself.

Page 1, you open your case with a charge against the gentleman's former political associates, urged with much querulous sensibility *for advising him to retire from public business*; at the same time that you, who ought to know the man, allow that *his age and disposition leave him nothing to do but to retire—that retreat is his choice—that the party have done no more than confirm the sentence which he before had passed upon himself**—and after all, the whole of the charge rests solely upon an anonymous paragraph in a newspaper!

Page 3 and 4, you state, that as a piece of fine writing *the Reflections* has indeed been criticised and condemned; but that the facts and sentiments set forth in it have been approved of by the nation in general. The first of these two positions I think is not true. Grave men may have thought that topics of such deep importance are not properly objects of poetry and

* The man in graver tragic known,
Though his best part was long since done,
Still on the stage desires to tarry :
And he who plays the harlequin
After the jest still loads the scene,
Unwilling to retire, though weary.

decla-

declamation, because conviction is a more solid foundation for truth than persuasion ; and moderate persons may have been offended with the tone of it, as much too passionate and outrageous ; but as the work of a rich imagination, abundant in choice of language, pointed allusion, beautiful imagery, and all the graces of classical composition, surely no good judge can have denied it praise. The severest censure of such persons I think would be that the style is much above the matter ; that it contains enough of eloquence, but too little of wisdom.

The second position, that the sentiments and opinions of *the Reflections* have received the sanction of the nation in general, requires to be more closely sifted, because, you found upon it a sophism perhaps not very obvious to immediate detection. If the gentleman and the party are really at issue upon any point, it is the soundness of their respective whiggism ; on this all his pretensions to consistency depend ; nay so necessary does it appear to you to support his right to this character, that not being able to reconcile his principles with those of what has been hitherto commonly esteemed the whig party, you choose rather to dispute and invalidate the claim of all of them to this title, than to suffer his whiggism to be suspected ; sooner than fail in this master point, you seem ready to maintain

maintain that your client is the only remaining whig in the nation.

Now let us examine how far this general good reception of the *Reflections*, of which you so much boast, tends to establish the gentleman's right to this disputed title.

I think it will not be denied that the most general and comprehensive distinction between whig and tory is, that the bias of a whig is rather towards *the popular side*, and the bias of a tory rather towards *the kingly side* of the government, whenever they are considered as opposed to each other. The old jacobite tenets of divine right, passive obedience and non-resistance, have I believe always been looked upon as the extreme of toryism, and the levelling republican doctrines of the old dissenters as the excess of whiggism. Setting out from this simple bias or inclination, men have at all times, in degree according to the strength of their passions or the weakness of their judgment, erred too near to the extremes. But a whig supporting high monarchical principles, or a tory asserting strong popular claims, I conceive to be a contradiction in terms. Now admitting this distinction, which before the inauspicious contention occasioned by the *Reflections* I am sure nobody would have thought of disputing, your experience I am persuaded agrees with mine that a great majority
of

of the people of England incline to tory principles. Though upon any very glaring infringement of their rights the multitude may be occasionally excited to forget for a time their respect for the king, they are ever ready to return to their ancient loyalty upon the most moderate condescension to their wishes. The sacrifice of a minister offers at all times a ready and cheap atonement. Like the scape-goat, he is driven into the wilderness with all the iniquities and transgressions and sins of the times upon his head. Popular tumults are rare and momentary, and ever of uncertain event; but the attraction of the crown acts with uniform and progressive force. An honest and wise whig expects little good from the effervescence of the people. His object will rather be to restrain them from laying their laws and privileges at the foot of the throne; a thankless and invidious task, and perfectly barren either of profit or applause,

A British king, while he appears to confine himself within the bounds of the law, while he carries on no very open designs against the liberties of the nation, while he raises no man into the favour and protection of the public by gross acts of oppression, while he pursues no unjust or inglorious war, is the natural idol of the people. They are persuaded that he has neither the power nor the inclination to hurt them,

them, and they are well disposed to believe that much of the good which they enjoy descends from him who is the fountain of honour and the source of mercy. They are near enough to be warmed and enlightened with his splendour, and too far off to discern the spots upon his orb. Such is the *political* existence of the King. If ~~at~~ the same time his *natural* constitution leads him to no glaring excesses, if he fulfils with ostensible decency the common offices of life, if he represents with tolerable grace the dignity of his station, I do not say he may be adored, though I think it, but I am sure he will hold the hearts and lives and fortunes of his subjects in his hand. To oppose the dangers of this amiable idolatry has always been one among the chief objects of the guardians of the constitution. A watchful and suspicious jealousy of the court is their peculiar characteristic. In the very virtues of a king or the well-earned popularity of a minister they can find cause of alarm. So that though the whigs are perhaps above all men the most firmly devoted to the constitutional throne, they do not wear upon their external habit those marks of personal attachment to the king, the want of which, to vulgar observation, is easily made to pass for disloyalty or disaffection. If they give, it is with cold reserve and curious inquiry; and when any pointed success or action of éclat calls for congratulation and praise, they bestow them in sparing and measured

measured terms, or perhaps contrast them with some coexistent subject of complaint. Hence the whigs have acquired the name of a sour, discontented race, hating excellence, and envious of good fortune. Certainly to set bounds to kindness, to damp the effusions of gratitude and affection, though it may be a necessary, must always be an ungracious employment, and unfortunately this part of their duty is far the most frequently called for. It is the nature of power to increase by its own strength. Dangerous prerogatives may be established by the progress of almost imperceptible concessions; and perpetually to oppose, as it must sometimes seem, for the very love of opposition, appears neither liberal nor good humoured. The severer relative duties whether in public or in private life, may force esteem, but they do not conciliate affection. Thus the real friends of the people are seldom their favourites; a whig, as the gentleman knows by experience, is not a popular character.

Now if the general disposition of the nation be such as I have described it, and if this disposition has been of late, as it obviously has, more than usually prevalent, it follows that the favourable reception of *the Reflections* is the worst proof of the author's whiggism that you could possibly adduce; that it goes to prove, as far as it proves any thing, the exact contrary of this

leading object of your appeal. Upon this point the testimony of a single whig is of more value than the approbation of the whole tribe of to-ries. Men who have long acted under sentiments and opinions early imbibed, acquire upon these points a sort of instinctive sense, much less liable to be deceived than the mere reasoning faculty; without proceeding to argument or analysis they have an exquisite feeling how far any proposed tenet or doctrine coincides with the active and exercised principles, the habitual guides of their own minds. They do not give a reasoned opinion, but an involuntary decision. Their tact is sure; to hear and to determine are one and the same thing. If for example I wanted to ascertain the merit of a musical composition, or the talents of a *virtuoso*, I should not be satisfied with the claps or hisses of a mixed audience, but should apply to the professors in the art: If I were desirous to be informed whether the style I am now writing is good or bad, I should solicit you or Mr. Burke to cast your eye over it; there would be no question here of elementary treatises, of dictionaries or grammars, but merely of the impressions produced by these subjects upon the minds of the judges. Against this sort of verdict, no writ of error can be brought, the sentence is full, complete, and without appeal. By an exact parity of case, if the Bentincks, the Cavendishes, the Russels, the

the Fitzwilliams, &c. &c., the native and hereditary whigs, have pronounced against the whiggism of *the Reflections* ; if, as you tell us, during a discussion which continued for two days, no one of these gentlemen interposed a negative or even a doubt in favour of Mr. Burke or his opinions, your cause is, I fear, wholly desperate. There remains, as indeed you seem to be aware when you appeal from the living to the dead, *from the modern whigs to the ancient*, no court upon earth to which you can apply for redress ; and that the shades of these departed whigs are not more favourable to you than their living representatives, I shall take upon me to shew when we come to that part of your brief where these figures are to be introduced. No, Sir, the gentleman may be a good, or a wise, or a great man, he may be any thing but a whig.

You tell us, that six and twenty years ago your client entered into a connection with the Whig party, at a mature age, at those years when men are all that they are likely to become ; you describe him, as employing powers of understanding in their prime, exercised memory, formed judgement, reading fresh in recollection and ready in application, together with much previous knowledge of the subject, to discern what sort of whig principles they entertained with whom it was his wish to

form an eternal connection, before he engaged in a cause of which he could have no very sanguine hopes as a road to power. That the gentleman possessed all these qualifications and attainments I am heartily disposed to allow, much more than was necessary to discern the principles of Lord Rockingham, or the Duke of Portland, or Lord John Cavendish, for the principles of men of honour and integrity are ever clear and plain; but surely your tone on this occasion is taken somewhat too high. More could not be said of the man of the first weight and consequence in the country, courted by all parties, and deliberating which he should honour with his support; whereas from your account we do not learn that the gentleman had any offers from the tory party till he had displayed his abilities under a whig administration. To prove his predilection for whig principles, we should rather have been told by what bias of early education, what habits of youthful society, what hereditary example his mind had been impressed with their excellencies; for at forty a man has not his tendencies to chuse. It was related, I remember, at the time, and I have never heard it contradicted, that at Lord Rockingham's coming into the Treasury in 1765, your friend was recommended to him by a gentleman at that time in much esteem with the party*, as

* Mr. Fitzherbert.

a man capable of serving honourably and ably in parliament and in office, whose fortunes were not adequate to his deserts. And though the situation to which he was then appointed might not "give any very sanguine hopes as a road to power," it appears to have been such, both in consideration and emolument, as might have satisfied the reasonable ambition of a person in more advantageous circumstances than the gentleman was then represented to be. No, Sir, till you shew what better prospect of advancement in the road of power was given up, what lucrative calling abandoned, what affluent ease resigned for the sake of supporting the whig party, we cannot allow your client to be considered as a martyr in the cause. On what you afterwards add, "that on the removal of the whigs in 1766" "your client was free from any thing which" "looked like an engagement," "that the" "Marquis of Rockingham wished him to" "accept an employment under the new system," "but that he again cheerfully took his fate" "with the party,"—I am unwilling to say much, because I cannot suppose that you mean to lay any great stress upon a conduct which every man of common honour must necessarily have held.

If in describing what I believe to be the tendency of the nation I am not much mistaken,
there

there is but little reason at present to apprehend any danger from republican societies, or their propagation of republican doctrines. None of those causes proximate or remote exist here, which by a very extraordinary combination adequate to the very extraordinary event prepared, brought on, and concluded the late Revolution in France. The English have been too long conversant with all the common topics of government not to have acquired a good general sense upon the subject. They know and feel that they enjoy much, and they will not be persuaded to put their large possessions upon a doubtful issue for the chance of obtaining a little more. None but fools will play at a game where the losings may be indefinitely great, and the winnings can be but small; and the English are neither fools nor easy dupes where their interests are concerned. That the people of France should have drank without discretion of a sweet and intoxicating liquor which they were allowed to taste for the first time, is nothing extraordinary; but men are neither tempted to excess nor easily made drunk with the potation which is their daily draught. Considering the natural indifference consequent upon long uninterrupted enjoyment; the dread of disturbance and insecurity belonging to a country habituated through all its ranks to the comforts and conveniencies of life, and esteeming money as
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the first good ; there is, I think, much more danger that the temporary evils by which France has purchased her freedom should bring liberty itself into disrepute, than that any spirit of imitation should be excited where the circumstances, so far from being parallel, differ almost to opposition. Of the disposition of the nation in this regard we have a recent and not inconclusive specimen. The author of the *Reflections*, and the high church party, proclaim the church and king in danger, and the fires of Birmingham are lighted up. A few dissenters and republicans endeavour to shew that our religious and civil liberties are incomplete, and they cannot meet to dine at a tavern without danger of assassination. One man eminent above the rest for his virtues and useful talents stands particularly charged with the horrible crime of propagating religious tenets abominably tolerant, and civil opinions shockingly too favourable to the bulk of mankind. He is marked out by these loyal and orthodox incendiaries. His property is pillaged, his dwelling burnt, and his person hunted for. If the chase had been successful these blood-hounds might not perhaps have eaten their game, because such a repast is not to the taste of an English mob ; but they would certainly have consummated their *auto da fé* by hanging him up in terror to all future philosophers. In the conclusion,

sion, the justice of the country has been since denied, or hardly and partially yielded to the fullest evidence of the most flagrant guilt. Now I desire any observing impartial man to contrast this with what he believes would have happened if the dissenters had attacked the parsonage or even the tithe barn of the clergyman who is reported to have inflamed his congregation with so much angry abuse of his christian brethren, and to draw the consequent inference. If I were disposed to push this argument to its extent, it might I think be shewn from it that such a work as the *Reflections* is at this moment, and in this country, at least as dangerous to peace and good order as Mr. Paine's *Rights of Man*.

Page 7,* you deny that the party had any right to take part, or consider themselves as at all concerned in any opinions, or speeches, or writings of your client, though you allow, page 1, *that he was their associate—their partner in the war—that he had always acted with the gentlemen of this party*—But this is nothing to what follows; for you assure us presently afterwards, *that Mr. Burke is not the organ of any party*; the world has hitherto totally mistaken his character and pretensions; he is a plain country gentleman, a candid dispassionate man, who comes down to the House to give a cool disinterested

terested independent opinion, quite free from all party views or expectations; *he is in no office under the Crown*; HE IS NOT THE ORGAN OF ANY PARTY*.

Page 9, you ask, "if it is contrary to any of the honest principles of party, or repugnant to any of the known duties of friendship, for any senator *respectfully* and *amicably* to caution his brother members, against countenancing by inconsiderate expressions, a sort of proceeding which it is impossible they should deliberately approve?"—*Respectfully and amicably*, no; *indecently* and *hostily*, certainly yes.

From page 9 to 13, you inform us, that if the House of Commons had not absolutely refused to hear the new pamphlet on the French Revolution, which the gentleman was prepared to have spoken in the debate on the Quebec Bill, *he would have demonstrated by arguments not to be refuted, and documents not to be denied*†; a series of propositions (which you state)

* The author of the "Thoughts on the present Discontents," and the "Considerations on a late State of the Nation," *is not the organ of any party*!!

† Some of these undeniable documents might not have been so easily established; as for instance, that *by the terror of as-*

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state) comprehending all and more than all set forth upon that subject in the *Reflections*. Now if these demonstrations are to be found in the *Reflections* which is in every body's hands, to recapitulate them in the House of Commons was at best tedious and impertinent. If, on the contrary, the *Reflections* contains nothing less than these demonstrations, I would ask, why were these demonstrations *then*, why are they *now* withheld from the public? Why are we to suffer because the House of Commons, like the deaf adder, refuses to hear the voice of the charmer? Why are we to sit in darkness because they choose to put their candle under a bushel? These propositions, which he *had undertaken to demonstrate—which he proposed to prove—which if he had been permitted he would have shewn distinctly, &c.* contain, you confess, *strong assertions, and require (still require) strong proofs*; and why are we to take up with the *assertions* and the *proofs* to be reserved for another place;

saffination the leaders of the National Assembly had driven away a very great number of the members, so as to produce a false appearance of a majority; and that this fictitious majority have fabricated the constitution. Now by the call of the House in August 1791 (a document of some authority in the case) it appeared that there were fewer absentees in proportion to their number than was perhaps ever instanced in any public Assembly.

we have patiently heard a great deal, and are ready to hear all that the gentleman has to say ; and we do not see why we are not as worthy of *demonstration* as the House of Commons.

After telling us a hundred fine feats that your client would have performed, if the naughty House of Commons had not hindered him, to conclude all, you assure us, *that his arguments would have been so irresistible, his evidence so positive and decisive, that those who after this exposure could continue to countenance the French insanity, must not have been mistaken politicians, but bad men.* The gentleman then is in possession of an infallible touchstone to distinguish honest credulity from wicked pretence, and refuses to apply it because the parties suspected do not seem willing to abide the proof ? With the spear of Ithuriel in his hand, ethereal temper, he allows the deceiver under borrowed forms to infuse his venom at leisure, without obliging him to start up in his own shape confess ? But if this were true, he must be a betrayer of his trust, a sleeper upon his post, a bad citizen, a bad man. We will therefore believe no such thing. No, Sir, we are persuaded that if the *Reflections* contain no strong proofs, it is because no strong proofs can be adduced upon the subject ; and that if nothing is there demonstrated, it is be-
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cause

cause the assertions set forth in it do not admit of demonstration.

In order to judge on the propriety of the interruption given to Mr. Burke in his speech on the Committee of the Quebec Bill, it is only necessary to know that the whole House were unanimously of opinion, that a discussion of the French Revolution at that time and in that place was indiscreet and improper. There are, I believe, very few men who would not have deferred in silence to the general sense of such an assembly,

When you have stated the probable danger, *that specious, untried, ambiguous prospects of advantage may at any time recommend themselves to the spirit of adventure, which more or less prevails in every mind; you ask, what should hinder Mr. Burke, if he thought this temper likely at one time or other to prevail in our country, from exposing to a multitude eager to game, the false calculations of this lottery of fraud?* To this I will answer, without any fear of being disavowed, that if the gentleman had done no more than this, with the decent spirit of inquiry in which truth is ever to be sought, and with the personal modesty which becomes a man who feels himself forced to censure the proceedings of a great nation, he would have received the praise and support of the wise and sober men of all parties.

parties. By such a calm discussion, he would have served the sound part of the cause he wishes to maintain, infinitely better than by all that intemperate zeal from which truth, like a timid virgin, always flies. By a manly reliance on plain reason, modified to the understandings of those whom he chose to address, he would have done much more for his own reputation and character than by exhausting all figure in invective, and crucifying the language into new terms of reproach and abuse; by bringing his own personal passions constantly into view; by *breaking with his best friends and joining with his worst enemies*. Such a sage conduct, suited to his age and consular rank, and deriving from them much force and authority, must indeed have had great and due weight. But when he condescends to become a mere trumpeter of party rage——

Ære ciere viros Martemque accendere cantu——

When he goes about like another Peter the Monk exciting the tyrants of the earth to a new *crusado* against the nascent liberties of France*, all respect for his dignity, all deference
for

* See Letter from Mr. Burke to a Member of the National Assembly, where after endeavouring to shew the propriety and necessity

for those high qualifications with which we were so willing to suppose him endowed, are lost or suspended. He has cast away in his anger, as a thing of no value, the good opinion of the sober part of mankind.

We at last arrive at something like a positive charge. Mr. Fox is accused of describing the French Revolution *as the most stupendous and glorious edifice of liberty which has been erected on the foundation of human integrity in any time or country*; whether these are the exact words used by Mr. Fox I do not know, nor is it material to inquire; but I know that these are words which no man can have any just cause to disavow. Mr. Fox takes a large comprehensive view of a great object, suited to the extent of his mind, and sees it, as every wise and impartial person must see it, upon the whole, likely to contribute infinitely to the future happiness and improvement of mankind. He sees the

necessity for the princes of Europe “*on motives of safety to themselves,*” to march into France as the King of Prussia did into Holland, it is added, *If ever a foreign Prince enters into France he must enter it as into a country of assassins. The mode of civilised war will not be practised; nor are the French who act on the present system to expect it.* This and the rest of this shocking passage is, I think, one of the most melancholy instances I have ever met with how far a mind formed to better things may be perverted by the Demon of party rage.

greatest

greatest and proudest of all arbitrary government destroyed, and he knows that under an arbitrary government men must for ever remain in a certain degree degraded and debased. He sees liberty expand itself at once over the finest part of Europe, and he is sure that liberty is the first of all civil advantages, the foster-nurse of every thing that is great or excellent among mankind. He sees in France free a security for the continuance of British freedom, and the future emancipation perhaps of the rest of the globe. In this view, he is well authorised to call this Revolution the most stupendous edifice of liberty that has ever been erected, for certainly no Revolution ever promised such extensive blessings to the human race; and there is no question here of examining in detail the means by which it has been effected, or of discussing any of the subtle niceties that have arisen in the investigation of its long and intricate process; in all this we, as Englishmen, have but little concern, and are in no way that I know of called upon to give judgment. Nor have I ever understood that Mr. Fox has praised or blamed any *particular* proceedings in France, except that he is reported to have expressed some admiration of patriotism uncommon indeed in soldiery, who refused to quench the flame of liberty in the blood of their fellow citizens. It is thus and thus only, unless I am much mistaken,

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taken, that either “ the construction of the “ new fabric or the demolition of the old” has ever been brought forward by Mr. Fox as a subject of consideration ; nor do I conceive that he has ever explained himself, as you say he has, *that it is the destruction only of the absolute monarchy he commends* ; or that he has ever denied that he admires the establishment of a free constitution at least as much as the destruction of the absolute monarchy. I cannot believe that he meant to recant any of the admiration which he expressed for the general tendency of this Revolution, admiration perfectly congenial with the strictest attachment to the principles of our own constitution. The friends to the character of Mr. Fox will not accept of your affected candour ; they see more danger in your praise than your crimination ; they had rather meet you as an open enemy than as a pretended friend.

None of us, you allow (fond of monarchy as we are) love it absolute and uncontrolled.* But then who could find in their hearts, for the sake

* How far it ought to be controlled we learn from the author of the *Reflections*.—“ Every degree of power which “ does not suppose the *total* absence of *all* control and *all* responsibility on the part of ministers, a king (of France) in “ common sense ought to possess.” See *Letter to a member of the National Assembly*.

of a little more liberty to distress such arbitrary monarchs as “a Marcus Aurelius” or a “Trajan?”—For such “a monster as Nero,” “drinking puddle with his wife Sporus,” one might not indeed have been so much affected—but “the venerable Galba, with all his faults and errors,” must needs have been an object of great commiseration!—And is it really possible that you can have so warped your mind, as to consider the fate of an individual, because he wears a crown upon his head and a sceptre in his hand, and sits on a throne, and is dressed in robes of ermine, as of any consequence when opposed to the well-being of the great mass of mankind? that in a question upon the happiness and improvement of successive generations, of the millions yet unborn, you can endeavour to divert our tender sympathies towards a few purple tyrants who ruled mankind with detested sway in the most disgraceful period of their history, and who have long since restored to the surrounding elements the vile atoms of which they were composed? How such prejudice or perversity can reside in a cultivated and enlightened mind, is surely difficult to comprehend.

To the new *tirade* against the French Revolution, which occupies pages 19, 20, 21, 22, I will say nothing; one may ring changes to eternity on any subject treated after this

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manner;

manner; for there is no proposition, however absurd, in whose favour some loose analogies may not be produced, which when tricked out in rhetorical ornaments, make a tolerable shew to passing observation: what you here dispatch in this crude way in three pages, would require deep and painful research as well as great sagacity to determine in a long volume; to contend with such *verbiage* is to fight with the air.

In the beginning of your appeal you gave us an account of a conspiracy from *the Morning Chronicle*; and here, pages 23, 24, 25, you present us with the history of a plot from *the Argus*. Plots and conspiracies are, to be sure, formidable things, but fortunately they lose much of their terror when their existence is confined to newspapers, which dealing professedly in the marvellous, and being not very solicitous of truth, are not always considered as the most indisputable authority for facts. This newspaper-plot is not however introduced without effect, and your management of it to fix an imputation while you allow the futility of the charge, is sufficiently dextrous—His friend (the *Argus*) was seized with an apprehension that Mr. Fox might be made to pass for a republican—but you assure us, you do not think there was any ground for this apprehension—why?—because nothing could tend

tend to make him pass for a republican except he should extol the state of things in France—and then you proceed to inform us, that he had taken the ground of high panegyric on the French system, and that far from shunning, he had always industriously sought occasions for such panegyric! No answer lies to contradictions that thus “palter with us in a doubtful sense;” but we will state the fact for you as it really is, and as it stands too, in your own mind. You *do* think there is no ground for apprehension that Mr. Fox can with any face of justice be made to pass for a republican, from any thing that he has uttered concerning the French Revolution, because you know that he has never brought into consideration any of those republican questions, which have but too much agitated the National Assembly, and which they may have frequently pursued too far; that his panegyric has been confined to general admiration of this event in a great and comprehensive view, as likely to promote, I love to repeat the terms, the future happiness and improvement of mankind. Little minds are fond of examining parts; to see things in the whole, to judge of them in the great, requires genius; and though talents and abilities are frequent, genius is infinitely rare. This man has elocution, that has wit, another possesses learning and knowledge, and a fourth is

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eminent

eminent for those small arts which captivate the confidence of mankind ; in highly polished society such qualifications are not confined to a few, and the situations for which they are requisite may always be supplied out of the common herd ; but that transcendant power of intellect, that rapidity of intuition, which pervades and illuminates the whole of the darkest subject at a single glance ; comparing at once every possible combination, and invariably selecting the best ; those high feelings of the mind by which right is impressed on the heart as a sentiment, at the same instant that it is received into the understanding as a truth ; where there is a soul to animate as well as a head to direct—this is GENIUS—equally rare in all ages, seldom understood at first, because above the times which it is destined to enlighten and improve, and therefore undervalued : but sure sooner or later to find its level in the estimation of mankind. Of such men it has been said, with very little of poetical fiction, that they hold a middle station between man of the common standard and the higher orders of intellectual beings——

Sanctius his animal mentisque capacius altæ—

Such a man is Mr. Fox ; and to such a man you attribute as a principle of thought and action the little ambition of coming into office ;
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and advise him, *to restrain his mind by that reserve and prudence which ought to guide a man perhaps on the eve of being Minister!* But that Mr. Fox has any reason to expect to be *minister* neither you nor I seriously believe. I will go farther; the desire of being minister can have no predominancy in his mind; his friends may wish it, and that with him will be a mighty reason, but for himself, in the present situation of things, it would narrow his exertions, and might eclipse his glory; he only could or would come in as one of a party, abounding in persons of great talents and deserved weight; and though, I believe, no man was ever more loved and honoured by any party than Mr. Fox is by the whigs of the present day, he would neither expect nor desire to domineer over the whole; modesty belongs to great minds, as insolence is the sure test of mediocrity; to be convinced of the fallacy of human reason and the uncertainty of human projects is one of the first lessons of wisdom; the strongest sight serves but to discover that we have seldom more than the choice of evils in our best resolves, or more than a doubtful prospect of good in our most auspicious designs; of these resolves and designs such men will not be very tenacious; while those who see things in a less comprehensive or more interested view are apt to be obstinately attached to their own sense;
and

and thus it commonly happens that bodies of men are governed, not by the most able, but by the most active and obstinate of their members. But let us, if you will, suppose Mr. Fox at the head of a cabinet, seeing with his eyes, deferring to his reason, and supporting his conclusions; would he not still have the dark and tortuous intrigues of a court to contend with? to confer any pure benefit upon the people is rarely indeed the privilege of a minister; if he wishes to do them good, he must bribe for their interest, and juggle for their security; the virtue of the intention will be lost or contaminated in the baseness and obliquity of the means. The excellent men* who in our own times have ventured into this dangerous post, relying upon those principles of honour and generosity which had guided their private lives, have always been presently driven to seek in retreat the only refuge from disgrace. Except when peculiar circumstances may force the liberty of choice, not republican but popular or patriotic principles must ever be *ipso facto* a disqualification for a station in which all freedom of thought or action beyond a very bounded line is perfectly inadmissible. Whatever may have been their former

* The Marquis of Rockingham and the Duke of Portland.

professions or engagements, all such pretensions must be deposited at the door of the cabinet as burdensome or offensive *exuviae*, if men expect to remain there longer than till they have served the turn for which they are called into office. That Mr. Fox is not without ambition—"that last infirmity of noble minds"—I can easily admit; and that in some former period of his life he may have looked towards the ministry as an ultimate object of desire, is far from improbable; in the grand departments of life, as in its more humble employments, the best qualified minds must pass through degrees to superiority; to genius itself the peculiar education of the thing must be superadded. Mr. Fox has not leaped at once upon the high ground on which he stands; nor has he been "hurried up so many miles aloft" by the specific levity of inflammable air or putrid gas; he has advanced to his situation with a firm and progressive step, "steering right onward" and "bating no jot of heart or hope;" and though no prophet, I will venture to predict that in every succeeding season of his life he will rise still higher in merit and in fame. In the common current of affairs, great powers of mind are much more requisite in administering for the people in parliament than in conducting the hacknied routine of official government, and certainly this kind of ministry is better suited
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to the inclination as well as the abilities of Mr. Fox. If ever he does take an office under the Crown, he must either be called up to it by general acclamation, in some hour of distress or danger, which Heaven avert! or else he must come in, not only with his party, but with all the principles and political tenets for which they stand pledged to the public as a member of a whig patriotic ministry; and in either of these cases, as an individual he must make a sacrifice of his ease, his liberty, his tranquillity, perhaps of his good humour, and eventually of some part of his fame; he must exchange the free and liberal exercise of his talents for more servile and contracted duties. From this exposition, in which the rare pleasure of contemplating a great man may perhaps have led me too far, it must, I think, appear that those who describe Mr. Fox as eager to come into place, or likely to restrain his public services by "that reserve and prudence which ought to guide a man perhaps on the eve of being minister," either miserably misunderstand or misrepresent his character; and there was a time when your friend would have been the last man in the world whom I should have suspected of such misunderstanding or misrepresentation. For the rest, your pretensions are surely not a little extraordinary. You form a charge, after
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your own fashion, picked out of a fragment of a newspaper, and then complain, that *the nature of this charge is difficult to understand*. That there is indeed, as you say, *a strange confusion of ideas upon this subject*, is very true; but the confusion is all of your own creating. To clear up this studied confusion, it is only necessary to recapitulate, that Mr. Fox has always confined himself to the Revolution in France as a general subject; and that your client has, on the contrary, indulged himself in every sort of personal and particular outrage, and abuse upon men and things in that country. If the gentleman did *early in the preceding session*, as you say, *give notice to Mr. Fox that he should consider any voluntary descant in praise of the French Revolution as an oblique attack upon himself*; if by this notice he pretended to preclude him or any other person from giving with decency a general opinion upon this great subject; it must be confessed he assumed a very presumptuous quixotism totally unwarranted by any rights of friendship or connection. If on the other hand it appeared to the whole party and the whole House utterly indecent and improper to arraign the National Assembly of France in a British House of Commons, they were necessarily and of force called upon to express their disapprobation of such a proceeding; they had no

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choice but either to acquiesce in silence, or to mark their dissent; whether during this unhappy discussion the gentleman or Mr. Fox discovered the most of reluctant concern at differing with his friend; which of the two was animated with the warm feelings of ancient affection, and which hardened by pride and anger to cast off all sentiments of past regard; those best can tell who had the misfortune to be present at this sad scene. If we who were not there are to judge of the feelings of your friend by the temper in which the present *Appeal* is written, the judgement will not, I fear, be favourable to his candour or moderation; for nothing, I think, can be more wayward or less ingenuous than your representation of a circumstance implying in all reason and common sense the direct contrary of the disposition you endeavour to infer from it. Your client in a paroxysm of rage despoils himself of every mark of affection and regard for his old friends and associates, and casts them in their faces. Mr. Fox, under the shock of such ungoverned excess, in the fullness of his heart, endeavours to recall the alienated feelings of his friend by bringing to his recollection some of those sentiments upon which their minds had always hitherto corresponded. What could be more natural than this? or how was it possible to foresee, that instead of attempting to reconcile his

his modern tenets with his ancient opinions, the gentleman would consider the very mention of these old forsaken doctrines as a mortal offence? Mr. Fox, in his place, had more than once, in a manner not easily forgotten, taken a pleasure to acknowledge how much his youth had been indebted to the society and friendship of this gentleman; and he could not then suppose that he did him any injury in imputing to him sentiments the dearest to his own heart, the pride and boast of his own political career. Yet in this circumstance, so simple and natural, could the jaundiced eye of anger discover a settled design, *of fixing upon him the foul crime of teaching a set of maxims to a boy, and then of abandoning the disciple and the doctrine; of publicly representing him as a man capable of abusing the docility and confidence of ingenuous youth; and of disgracing his whole life by a scandalous contradiction of every one of his own acts, writings, and declarations; and you sum up all by giving great praise to this man of temper and moderation, that when thus attacked, he neither attempted to criminate or recriminate, though you insinuate that he had it in his power—But let us hasten from these odious personalities; the discussion of them is really a very painful task.*

Pages 31, 32, by way of apology, for what you must therefore allow to exist, the seeming tendency of the *Reflections* to anti-popular or tory principles, you state, *that it is reasonable when one of the branches of the constitution appears endangered, to support that, without any reference or regard to the other two ; that it is natural, in the anxiety for the preservation of this object of immediate solicitude, to seem to undervalue, to vilify, almost to reprobate and disown, those that are out of danger.* Upon this passage, there are, I think, two observations to be made—that when the gentleman compares himself to the venerable Priam, the monarchical branch of the constitution is his *Heëtor*—the *spes fidissima Teucrum*—and that those who conceive the popular part of the constitution to be in danger of being swallowed up in the influence of the crown, (and you cannot suppose the existence of such mistaken men wholly impossible) have just as good a right to forget the monarchy as the gentleman has to forget the democracy ; and if Mr. Pain thinks the crown too strong, and the popular representation too weak, in undervaluing, vilifying, reprobating and disowning the crown, he does no more, according to you, than follow the voice of nature and truth.

Pages 34, 35, you bring passages from some of the gentleman's speeches, made many years ago, in which he declares himself *a lover of liberty connected with order—of good and steady government—attached to our great and ancient monarchy—of a disposition to steer between the perilous extremes of servile compliance or wild popularity*. If he had always written thus, I am persuaded the whole party would most willingly have subscribed to his sentiments; their objections to the *Reflections* and the *letter to a Member of the National Assembly* are that they go much beyond these wise and wholesome principles; it is not this, but what is more than this the party have thought necessary to disavow.

Page 40, you ask, *is it for any thing Mr. Burke has said or done relative to the American war, that he is to enter into an alliance offensive and defensive with every rebellion, in every country, under every circumstance, and raised upon whatever pretence?* Who has required from him any such thing? nothing is more easy than to defend ourselves when we are allowed to state the accusation in our own manner and terms. During the American contest, he maintained, alas, how admirably maintained! what you still seem to allow for that country, that monarchy and liberty having been made incompatible, liberty was to be preferred

preferred to monarchy ; and he has since maintained, with lustre visibly impaired, that in France a despotic government ought to have been preferred to the injustice and excess perhaps necessarily attendant upon a fundamental change of government. Here the inconsistency is apparent. If civil liberty may be purchased with all the horrors of a ten-years civil war in one country, upon what grounds will you deny the same privilege to another ? The case indeed of America is in all respects stronger than that of France : for there never was any question there of a despotism in any degree approaching to that of the late French government, and the form they have actually established in America is a pure republic. Till you can therefore shew how an American *insurgent* differed from a French *democrat*, so that one might be a legitimate object of praise and support, while the other excites nothing but detestation and contempt, your client must, I think, be content to pass at best for an inconsistent man.

Page 41, we cannot but learn with infinite edification, that the influence of the crown, which was once too great, is now reduced to a standard, with which they who wished to go farthest in the reduction ought to be satisfied ; that that power which is described in the ' *Thoughts on the Causes of the present Discontents*

to have grown up anew, in the place of prerogative, with more strength and far less odium, under the name of influence ; which operates without noise and without violence ; an influence which converts the very antagonist into the instrument of power ; which contains in itself a perpetual principle of growth and renovation, and which the distresses and the prosperity of the country equally tend to augment, has been restrained so as to content those who wished to go farthest in the reduction of it, by the defalcation of a few paltry offices, and turning a few old harmless servants into the street.

Pages 43, 44, the gentleman does not admit that the French have acted under any dread of arbitrary power that lay heavy upon the minds of the People. He has been lately in France ; and he founds his opinion on what he saw and observed while he was there. To the observation of one man the observation of another may be fairly opposed ; the author of this pamphlet has also at various periods of his life passed some part of his time in France, and the impression left upon *his* mind is quite different from that which is the result of your client's observation. To *his* view, that fine country has always appeared to languish under the evils of a vicious constitution ; presenting an odious contrast between the higher and lower orders, an insolent imperious nobility,

lity, and an oppressed and suffering people ; and totally deficient of the middle independent rank, the strength and sinew of a nation. All penury and privation on one side, rendered still more bitter and poignant by the fastidious, offensive luxuries of the other. Nor have the morals of this military monarchy appeared better than its political constitution. Among the great, personal bravery, and the point of honour founded upon it, were the only qualifications for which the favour of the court did not offer much more than an equivalent. All the civil and domestic virtues were consigned over to the people, the *canaille* as objects of contempt and ridicule, under the title of *qualités bourgeoises*, a phrase to which, thank God, our language furnishes nothing synonymous. In a word, virtue was a useless incumbrance to the great, whom the want of it could not debase ; and offered no incitements to the little who could not be elevated by its possession*. One half of the nation was *above* and the other *below* its influence,

If these things have appeared in such opposite lights to the author of the *Reflections* and

* In the French vocabulary, all the adjectives belonging to virtue were transferred to rank and consideration. *Honnête gens—gens comme il faut—la bonne compagnie—le bon ton, &c. &c.*

the writer of this pamphlet, it is not extraordinary that their conclusions on the French revolution should be so different ; which of the two has seen the objects nearest to what they really are, it does not belong to either of them to determine ; but I cannot avoid making one remark with which I am much struck, that when I see a man qualified like the right honourable gentleman, venture publicly to praise, and in a great degree to approve, the military monarchy of France, I think it time more than ever to return thanks to Heaven that this dangerous neighbour is removed a little farther from our doors.

Page 36, you invite your whig readers to turn to the *Reflections* from p. 20 to 50, and afterwards to certain extracts which you give as from Dr. Sacheverel's trial, and this I am ready and willing to do with all the attention and ability I can command, and I am sure with the utmost candour.

The great and essential difference between the whigs of all times, and the author of the *Reflections*, appears to be, that the whigs have always considered the Revolution in 1688 not only as a great past event, but as a great future example ; standing upon a broad constitutional principle ; to be again repeated, if again called for by any new *endeavour to subvert the*
H *constitution ;*

constitution ; to break the original contract ; or to violate the fundamental laws : Whereas the author of the *Reflections* uses every sort of argument to narrow the basis of this Revolution ; to confine its principle to that single transaction ; to protest against it as a precedent ; to invalidate the right of the nation ever again to apply this remedy to any future malady of the constitution. I will begin by stating some of the opinions from this part of the *Reflections* to which you refer us ; and which appear to be totally opposite to what I have always conceived to be whig principles.

It is asserted, *Reflections* page 23, that the Revolution of eighty-eight, being *a mere case of necessity*, is not *a rule of law* : but the whigs, I believe, always have considered it not merely as a case of necessity, but as a rule of law also.

The author farther says, page 24, that the accepting King William *was not a choice, but an act of necessity, in the strictest moral sense in which necessity can be taken*. Now the whigs, I conceive, have always held that King William was not forced upon the people, but called to the throne by the free voice of the best and greatest part of the nation.

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The gentleman proceeds to maintain, page 27, *that though the nation was in some sense free at that time to take what course it pleased for filling the throne, it was only free to do so upon the same grounds on which they might have wholly abolished their monarchy and every other part of their constitution: but the whigs, I think, have always considered the Revolution as differing essentially from a Rebellion in this; that the former proceeded upon grounds perfectly legal and constitutional; positive rights, not at all resembling a mere power to do any thing unconstitutional or wrong, much less to abolish the monarchy, or entirely to destroy the constitution; and that the latter must ever be justified by the absolute necessity of the case only**; they have, unless I am grossly mistaken, invariably considered what passed at the Revolution as a strict exercise of rights always possessed under the English constitution, and at that time particularly declared and asserted; one of which, among many others, is, to take such a course as was then

* Necessity, though apparently a positive term admits of certain degrees of comparison. If I kill a man who is going accidentally and unknowingly to cause my immediate death, I am justified by the necessity of the case only. But if I kill one who is about to murder me intentionally, I am not only justified by the necessity of the case, but by a previous established right, acknowledged and provided for by the laws.

taken, for filling up the throne, become vacant by a breach of the King's contract, in the manner the most likely to secure the constitutional rights and liberties.

The author of the *Reflections*, page 29, considers the principles of the Revolution as *an occasional deviation from the constitution ; not as a fixed rule ;* the whigs have, I believe, always considered them as a fixed rule, and not as an occasional deviation.

He says page 33, *that it was the constitutional policy, at the Revolution, to form an establishment which should preclude a choice of the people for ever.* To be sure it was their business to put things upon the most lasting and solid foundation they could ; but a similar occasion to that which operated at the Revolution remaining after every precaution a still possible event, the whigs will, I think, contend, that the nation is now and always has been just as free, if such an occasion should arise, as it was then, to use the same means to secure the constitution that were made use of in the year 1688.

Page 38, the gentleman considers the Revolution as *a parent of settlement only :* And the whigs seem not only to consider it as a declaration of right also, but to value it

it at least as much on this account as the other.

He asserts, pages 39, 40, *that they who led the Revolution thought the constant inspection of parliament*, and the practical claim of impeachment infinitely a better security for constitutional liberty than the RESERVATION of the right of cashiering † their governors ; by which he would seem to infer or insinuate that they did at that time give up this right which they previously possessed ; (for they could not have reserved what they did not possess) and to have commuted it for parliamentary inspection and impeachment ; but I am persuaded that all whigs, new and old, will utterly deny that these leaders of the Revolution did or could relinquish or commute any of the people's constitutional rights.*

Speaking of the deposing of James, the writer of the *Reflections* contends, page 43, *that*

* If they thought so, it appears they were much mistaken in the event—according to Mr. Burke, “ *the control of parliament upon the executive power has been long already actually lost, because parliament is made to partake in every considerable act of government. See Thoughts on the Cause of the present Discontents, p. 70.* ”

† An ill-sounding untechnical expression of which the right honourable author has not disdained to take advantage.

the

the question of dethroning a king is an extraordinary question of state and wholly out of law ; a question of dispositions, and of means, and of probable consequences, rather than of positive rights ; whereas I think the whigs will especially maintain that the great characteristical mark which distinguishes the Revolution in 1688 from rebellion or usurpation is, that it was not a question of state, but wholly a question of law. Not a question of dispositions and means, and probable consequences, but totally and exclusively a question of positive rights.

The gentleman states, page 42, by very palpable implication, that the Revolution was *a case of war and not of constitution ;* and the whigs will, I believe, certainly insist that it was in itself a case of constitution only, to which war was merely accessory and fortuitous.

He calls it, page 43, *a critical, ambiguous, bitter potion ;* and they, I believe, deem it a safe, sound, efficacious specific.

To sum all, you roundly and fully assert in your appeal, page 57, as *the doctrines laid down in Mr. Burke's Reflections, that the Revolution was justified ONLY upon the necessity of the case ;* something indeed you add about the breach of the original contract, and the fundamental subversion of the ancient constitution, which

which as far as it is intelligible seems to contradict your positive assertion, because if it can be justified *at all* upon legal and constitutional grounds it is false to say that it can be justified by necessity *ONLY*; but you return to your favourite position, *that it can be justified by necessity only*; a position upon which I am willing to meet you at issue before all the whigs, past, present, and to come.

The gentleman, in the *Reflections*, seemed once inclined to rest the whiggism of his doctrines upon their conformity with those laid down by Lord Somers. But Lord Somers defended and supported the Revolution almost wholly upon legal and constitutional, as the best and safest ground; and dwelt but little upon necessity, which is generally a doubtful claim, and ever a dangerous reason of state. He did not chuse to found his plea upon that positive and immediate danger of destruction which changes rebellion into self-defence; that absolute coercive necessity, which leaving no choice of action, supersedes all right and absolves from every tye, and by which the worst crimes may be justified: This great man rather shewed what the nation had a right to do according to the laws and the constitution, and what, under this right, it ought to do of free choice. He sought to lay the great fabric of the Revolution upon the deep and solid basis of law; not upon
the

the vague indefinable plea of necessity. It was his peculiar care that what was then settled should be claimed and asserted by the nation as a *birth-right*, and not merely obtained, like magna charta, by the force and terror of arms; not wrested from the tyrant by his knights and barons with harness on their back, but claimed, declared, and determined by the wise men in their robes of peace*. Lord Somers is therefore given up in *the Appeal*, and we hear no more of him. The manager of Mr. Hastings' impeachment now chuses to have his cause tried by the managers of the impeachment of Dr. Sacheverel.

The first consideration that offers itself upon this new selection of judges is, that it exceedingly narrows the ground of your client. At the Revolution the principle itself was tried in its proper form, whereas at the impeachment of Dr. Sacheverel it was only brought forward incidentally and in proof. The doctor was accused of having preached against the legality of the Revolution, so that provided his accusers proved its legality, they were at liberty to do

* The author has shewn elsewhere that the doctrines of the *Reflections* are not only not those of Lord Somers, but that they are actually the tenets maintained on the opposite side by Lord Nottingham and the Bishop of Ely. See *Letter to Mr. Burke by Sir B. B.*

it upon what plea appeared to do them most expedient and convenient to the times and the temper of the nation. That the Revolution was a necessary as well as a just and constitutional proceeding, cannot be denied ; and if in those high tory days the whigs thought that to insist upon the necessity rather than the right was more conciliatory and likely to comprehend a larger description of persons, they acted wisely and prudently, in the choice of their means, to select such as were best adapted to carry the point they had in view, which was to support the legality of the succession established at the Revolution. It was sufficient for their purpose that the legislature should declare it a high crime and misdemeanor to deny the legality of that settlement, and perfectly indifferent to this object whether this legality was considered as established on the ground of necessity or right. If therefore they had brought forward the necessity only, and taken no notice at all of the claim of right or the leading constitutional points asserted and recognised at the Revolution, no inference could be drawn from this prudent silence and reserve that the whigs did not admit these claims ; but what shall we say when we find them all actually stated, and affirmed, and maintained in the very citations you bring

in proof that they have been abandoned and foregone ?*

Mr. Lechmere, with whom you advance the first, *clearly and openly asserts the foundation*

* While I was writing, I had no opportunity of consulting the trial, and was therefore obliged to argue upon your own statement. I have since read it, and I find that the managers did indeed confine themselves chiefly to the *necessity* of the resistance used at the Revolution, because the accusation almost wholly turned upon this point—this may be understood by stating shortly the two arguments.

The Dr. says, “ The grand security of our government, “ and the very pillar upon which it stands, is founded upon “ the steady belief of the subjects’ obligation to an absolute unconditional obedience to the supreme power, and the “ *utter illegality of resistance upon any pretence whatsoever* ; that “ to impute (therefore) resistance to the Revolution, is to “ cast black and odious colours upon it,” (for the Doctor himself affects to admit of its legality on the principles of the throne being vacant) so far he asserts, and then leaves the necessary inference to be drawn, which is—that it being a notorious fact, that the Revolution *was* brought about by resistance, it *ought* to be painted in black and odious colours.

The managers on the contrary maintain, that “ according “ to the ancient legal constitution of the government of this “ kingdom, the subjects of this realm have not only a right “ in themselves to resistance whenever the executive power “ endeavours the subversion of it, and that resistance for this “ purpose is strictly legal.”—The NECESSITY of the resistance by which the revolution was brought about was therefore all they had to prove.

of the whigs. What are these foundations ? that our constitution is a limited monarchy, (limited by law) that the supreme power is communicated (held in common) and divided between King, Lords, and Commons, (whose rights are therefore coequal) that there exists an express original contract between the Crown and the people by which the supreme power is, by mutual consent lodged in more hands than one—that the consequences of such a frame of government obviously are that the power of the Crown and the obedience of the subject are both equally subject to the laws ; by which law, if the executive part endeavours the subversion and total destruction of the government, the original contract is thereby broken and THE RIGHT OF ALLEGIANCE CEASES—that the part of the government thus fundamentally injured hath a CONSTITUTIONAL AND LEGAL RIGHT to save or recover that constitution in which it had an original interest—that the nature of such an original contract proves, that there is not only a power in the people, who have inherited this freedom, to assert their own title to it, but THEY ARE BOUND IN DUTY to transmit the same constitution to their posterity also.

If these were the *foundations* of your client he would indeed be a sound and excellent whig ; but your object in stating these truly constitutional principles is, as it afterwards immediately appears, to reduce them all to the

common level of all resistance to any insupportable evil without distinction, by confounding them all in the general common term of *necessity*. But surely, Sir, when you so emphatically and triumphantly present to our view the words NECESSARY and NECESSITY, from the speeches of these gentlemen, you must yourself be aware that you would pay but an ill compliment to the attention and sagacity of your readers if you supposed that they would not perceive that these words are there applied solely in justification of *the means*, by which the Revolution was effectuated, and not at all of the *rights* then exercised. *A foreign Prince at the head of foreign forces, invited and introduced into the kingdom—the enterprise to deliver the kingdom with an armed force—many of all ranks and order appearing in arms—were circumstances that certainly did require to be justified by the necessity of the case; as means, though violent in themselves, yet absolutely requisite for the preservation of “the ancient and indubitable rights of the people,” as the only way in which the people could exercise their rights with any efficacy: and these means, as Mr. Lechmere observes, ought certainly to be justified with “great caution,” and “strictly confined to the necessity of the case.”*

General Stanhope, another of the managers, says, that at the Revolution *resistance was necessary*

sary, and consequently just. But how and why? Because the constitution of England is founded upon compact, and the subjects of this kingdom have in their several public and private capacities as legal a title to what are their rights by law, as a prince to the possession of his Crown; and of consequence to use such means as are necessary for the preservation of these rights.

Sir Joseph Jekyll, whom you seem to mark as the prototype and model of your friend, but whom I think he will not resemble in being considered as the *standard of whig principles in this age*, justifies the resistance at the Revolution, *but he will not put any case of justifiable resistance but that of the Revolution only. Where the law has been wisely silent, he desires to be silent too*; so that you see he considers the law as having spoken; the LEGALITY OF RESISTANCE as established, in that case, and in confining himself to this case exclusively he shewed, I think, great judgment, for it is a case great and broad enough to cover almost every necessary occasion, whether considered in its *principle* or the *means* by which it was brought about. In its *principle*, which is, that whenever the King endeavours to “subvert the constitution,” or “violate the fundamental laws,” “the right of allegiance ceases”—In the *means*, justifying as necessary resistance by force of arms and even inviting assistance from without. The words
of

of the one and the *acts* of the other, for every useful purpose, are sufficiently general, and comprehensive, and strong.

Mr. Lechmere insists, *that the supreme power is divided between King, Lords, and Commons—that the terms of the constitution do not only suppose but express an original contract between the Crown and the people, by which the SUPREME POWER was by mutual consent, and not by accident, LODGED IN MORE HANDS THAN ONE—But if this is so, your position, that all institutions whether aristocratic or democratic originate from the Crown—that from thence they derive their WHOLE legal effect, cannot be true.*

He farther states *that there is a common measure of the power of the Crown and the obedience of the subject—that when the executive part endeavours to subvert the government, the original contract is therefore broken, and the right of allegiance ceases—and he proceeds to maintain in terms extremely strong and clear—that the nature of such original contract of government proves that there is not only a power in the people who have inherited this freedom to assert their own title to it, but that they are bound to transmit the same constitution to their posterity also.—But if this be true, then the assertion contained in the Reflections, that whatever right of interrupting the*
heredi-

hereditary succession the people might have possessed before the Revolution, the English nation did at that time most solemnly renounce and abdicate it for themselves and their posterity for ever—as well as that other position maintained in the same work—that the framers of the Declaration of Right considered the constant inspection of parliament, and the practical claim of impeachment, an infinitely better security, not only for their constitutional liberty, but against the vices of administration than the reservation of a right so difficult in practice, so uncertain in issue, and often so mischievous in the consequences as the right they were at that very moment exercising, must be false.*

During

* It does not only appear that those who supported the principles of the Revolution went upon foundations very different from those laid down in the *Reflections*, but that the opposers of the new establishment used at that time the same mode of arguing which is there employed. Pending the proceedings of the Convention Parliament a treatise was published, I think by Somers, entitled *An Inquiry into the Measures of Submission to the Supreme Authority*, in which those tenets maintained by the whigs, and afterwards carried into action and finally established by the declaration of right, were stated and explained. This was answered on the part of the tories by Sir Charles Sedley, a leading man amongst them, and a very ingenious and accomplished gentleman, in a publication entitled *Reflections upon our late and present Proceedings in England*. I desire the reader to compare the following extracts from the *Reflections* in 1688, with the correspondent parts of the *Reflections* of 1788.

After

During two generations after the Revolution, the political parties were chiefly distinguished by three denominations, jacobite, tory, and whig,

After stating that he "shall take it for granted that the Prince of Orange hath done a great thing for us"—that he hath, under God, wrought such a deliverance for the nation as ought never to be forgotten, and can never be sufficiently requited—"that all orders of men, ecclesiastical, civil, and military, had their eyes fixed upon the Prince of Orange as their common deliverer,"—that the nation had by general consent put the "regal administration in his hands,"—He adds, so far we have gone; this we have done; and *we hope that (the case being extraordinary, and necessity giving a dispensation) the intent of our proceeding will at least excuse if not justify us, if we have not kept ourselves within the common laws of action.*"

"For let every man lay his hand upon his heart and seriously ask himself, for what reason and with what intent he became a party in this general defection." Was it utterly to ruin the King and subvert the government? Was it because he was displeased with the ancient constitution and had a mind to mould and fashion it to his liking: Was it because he had an intent to shake off the government (that easy equal well-poised and never enough to be commended government, as King Charles I. called it) of the English nation? Was it any honest man's meaning to subvert this government to make way for his own dreams of some poetical golden age or fanciful Millenium?

"Was it, let me ask again, to divest the king of all power to protect his subjects, and then to pronounce roundly that all the bonds of allegiance to him are dissolved? Was the end of our uniting together to bind his hands

whig. The jacobites held for the person and family of James, for passive obedience, non-resistance, and divine hereditary right, and refused all

“ hands, and then prick down this doctrine with the points
 “ of our swords, that protection and allegiance are duties so
 “ reciprocal that where one fails wholly, the other fails with
 “ it ?

“ What ? is it to frighten the king out of his dominions,
 “ and to vote that he hath abdicated the government ? Was
 “ this the intent and these the reasons of our declaring for
 “ the Prince of Orange ? No, certainly ; whatever some ob-
 “ noxious and ambitious men might aim at, all good chris-
 “ tians and worthy patriots had other intentions and were
 “ led by other motives.

“ They were sensibly concerned for the preservation of
 “ their holy religion in the first place, their lives and laws
 “ and liberties in the next. After the way which some call
 “ heresy were they still desirous to worship the God of their
 “ fathers, and after the manner which some might say was
 “ rebellion, they thought themselves obliged to stand up for
 “ the laws of their forefathers. *The Inquiry into the Mea-*
 “ *sures of Submission to the Supreme Authority* is a treatise
 “ calculated for the times ; but surely it is not written
 “ according to the principle and practice of the church of
 “ England in the time of the renowned Queen Elizabeth :
 “ I am apt to think that some regard was then paid to the
 “ passages which we find in the scriptures, especially the Old
 “ Testament relating to the measures of submission—
 “ I am apt also to suspect that Queen Elizabeth would
 “ not have thanked any politician for vending this as a cer-
 “ tain and fundamental principle, *that in all disputes between*
 “ *power and liberty, power must always be proved, but liberty*

all allegiance to the new settlement; and the greater part of them were inclined to popery : whereas the tories, though they considered the
 Revolu-

“ *proves itself, the one being founded only upon positive law, and*
 “ *the other upon the law of nature.*” She, I persuade myself
 “ on the contrary, would have challenged any such statesman
 “ to have proved his liberty ; as for her power, she would
 “ have answered, it was ready to prove itself against any who
 “ should presume to question it.

* * * * *

“ I beg the learned author’s pardon for questioning his
 “ measures : in my judgment they are not taken from the
 “ English standard ; and therefore I hope I may without of-
 “ fence use my liberty in refuting them (a right which proves
 “ itself) till he can prove his power to enforce them.”

* * * * *

This doctrine—that it is certain that the reciprocal duties in civil societies are protection and allegiance, and whenever the one fails wholly, the other fails with it, which I have mentioned before, I shall now consider a little more particularly

* * * * *

“ Let this question be ruled by his own instance the duty
 “ between the father and son. Suppose my father to be so
 “ destitute that he cannot, and so perverse that he will not
 “ protect and sustain me, suppose him as churlish as Cain,
 “ and as poor as Job, yet still he is my father and I am his
 “ son, that is he retains all the power which by the law of
 “ nature a father ought to have over his child, still the relation
 “ holds between us ; and while it doth so the father’s faults
 “ or necessities cannot evacuate the duty of a son which is
 “ not in the father’s good will or ability to defend (though

“ it

Revolution strictly speaking as a successful rebellion, and the new establishment as an usurpation, were always willing enough to compromise the matter by allowing the *necessity of the case*, and leaving the principle wholly out of view; and they were fond of resting this necessity chiefly upon the preservation of the church of England, as opposed to the toleration of the dissenters, and under the cover of the curious distinction of a king *de jure* and *de facto* they

" it must be confessed they are chiefly considered) but in that
 " fixed and immutable relation which God has placed be-
 " tween them, not to be dissolved but by death; so that if
 " this author will yield as he seems to do, that kingly power
 " is nothing else but the paternal assigned by the common
 " consent of the fathers of families upon such and such con-
 " ditions specified in the contract, I cannot see how this
 " relation between king and subject can any more be utterly
 " dissolved than between a father and his son

* * * * *

" If the king can die it is such a defect in our government
 " as doth strangely disparage it, and farther supposes (which
 " hitherto we are all to learn) that the crown is not successive.

" Now if it be successive it cannot be disposed by the peo-
 " ple, but only by the will of God

* * * * *

" Let it be here observed, I do not dispute whether the
 " king, together with his parliament, may not regulate and
 " intail the succession as by them is thought fit, but only
 " whether while the king lives the throne can be vacant
 " and the government be said to be truly lapsed? This we
 " deny——

took the oaths to the new settlement, and gladly accepted of trusts under it.

But the whigs on their part maintained plainly and simply that the Revolution was a matter of constitutional right—that when the King attempts to go beyond the powers given him by law, resistance in the people is a legal and constitutional claim—that in this case allegiance ceases—the contract is broken—and that all means necessary to preserve their undoubted and hereditary rights are justified by law and the constitution*.

To which of these three classes does the author of the Reflections belong? Not to the

* By the doctrines of Reflections and the tories, the application of this great event to deter future kings from listening to evil councils against the liberties of the nation is wholly done away.

Is it by telling a king that comes to his crown in contempt of the choice of his people—that the hereditary succession can in no case be interrupted or changed but in the same manner as the whole constitution may be dissolved—that whatever right of this sort the people might once have possessed, they possess it no longer—or by telling him that he holds his crown by contract with his people—under the express agreement to maintain the constitution and the fundamental laws—which if he violates, the allegiance ceases—that government is a trust which may be renounced by acting contrary to it—is it I say the first or the last of these claims or positions that a king is most likely to be bound to a due observance of the rights of the people?

jacobites,

jacobites, because he considers the hereditary right, though indefeasible, not divine. Not to the whigs, because to acknowledge the mere moral necessity for the Revolution only, without admitting its constitutional principle, no more makes a whig, than simple belief does a christian; the tories will not deny this sort of necessity, and the devils themselves believe and tremble. He is then neither more nor less than a tory. From the *Reflections*, the *Letter* and the *Appeal* a very good set of canons of toryism might be actually selected; as for example:

1. That as the King holds his crown wholly independent and in contempt of the nation.*

2. That the aristocratic and democratic parts of the constitution originate with and derive all their legal power from the king.†

3. That the people of England have in no case whatever any more right to alter or interrupt the hereditary succession once established, than they have wholly to abolish their monarchy and every other part of their constitution‡.

4. That consequently the Revolution was a deviation from the constitution, to be justified only by mere positive necessity.§

* *Reflections*,

† *Appeal*, p. 46.

‡ *Reflections*, p. 27.

§ *Appeal* p. 57, *Reflections*, 29.

5. That

5. That the settlement on King William was an act of necessity not of choice ¶.

6. That the deposing of King James was an act of war and wholly out of law*.

7. That the Revolution is no rule of law †.

8. That the constitution of France was substantially a good one ‡.

9. That it might be rightly thought that the exigency of a great empire requires that a king should be invested with powers very much superior to those which a King of England possesses under the letter of our constitution §.

10. That in such an empire the king ought in common sense to possess every degree of power which does not suppose the total absence of all control and all responsibility on the part of ministers ¶.

Before I conclude upon this subject, it is now time for me to state what those principles are, upon what I found my own claim to the title of whig ; and I am myself almost surpris'd to find that for this purpose I have only to assert the

¶ Reflections, p. 24

* Reflections, p. 43, 44.

† Reflections, p. 23.

‡ Letter, p. 65.

§ Letter, p. 66.

¶ Letter, p. 66.

precise inverse of these positions laid down in the *Reflections*, the *Letter*, and the *Appeal*.

1. I believe that the king holds his crown by an express original contract with the people, by which the supreme power is by mutual consent lodged in more hands than one.

2. That the aristocratical and democratical branches as established in the constitution are co-equal in power and right with the monarchical branch of which these rights and powers are wholly independent ; for the constitution of England being founded upon compact the subjects of this kingdom have in their several public and private capacities as legal a title to what are their rights by law as a prince to the possession of his crown.

3. That whenever the king passes the common measure between the power of the crown and the obedience of the subject, all allegiance ceases ; whenever he endeavours to subvert the constitution or violate the fundamental laws the contract is thereby broken, and the people have not only a right and power to assert their hereditary freedom, but they are bound to transmit it unimpaired to their posterity ; and under these circumstances the nation as a clear and indisputable right to interrupt or alter the hereditary succession as far as necessary for this purpose.

4. That

4. That consequently the Revolution proceeded upon principles perfectly legal and constitutional.

5. That the deposing of King James was an exercise of a power in the nation clearly deducible from the nature of our constitution, and afterwards recognised and promulgated in *the Declaration of Right* and *the Act of Settlement*.

6. That in settling the crown upon King William, the nation did no more than exercise an undoubted right always virtually existing in the constitution declared by positive law.

7. That the Revolution in 1688 is a great leading constitutional case making part of the law of the land.

8. That every Englishman who is attached to the constitution of his country must consider with abhorrence such a form of government as the late military monarchy of France.

9. That to assert that the exigencies of a great empire may require that a king should be invested with powers very much superior to those which the king possesses under the letter of our constitution ;

10. Or that the monarch of such an empire ought in common sense to possess a degree of power

power which is not far short of the absence of all control or responsibility, are most dangerous and detestable doctrines.

These, Sir, are in my poor judgment the fundamental principles of a constitutional whig; and these I am well persuaded, when more ably stated, would be maintained by the party which the gentleman has thought fit, for reasons best known to himself, to abandon. These are our FOUNDATIONS which when attacked by republicans on one side and tories in whig's clothing on the other, those who wish to maintain are loudly called upon to defend. Here I conclude what you acknowledge to be the *substantial charge—the point in which if the gentleman is guilty he is equally blameable whether he is consistent or not—in which if he endeavours to delude his countrymen by a false representation, he is deeply responsible—an enemy to the free constitution of the kingdom.* How far he has drawn down upon his own head this severe sentence, the public, before whom we are issue, are, I think, from the above exposition, enabled to determine. That I have been long and tedious on this point, and have made use of frequent repetitions, I am well aware; but my object was to be clearly and generally understood; and it is not given to every writer to be short and clear, nor to every reader to comprehend the whole of a subject from a compressed and

laconic statement of it. Political pamphlets are not written for philosophers.

In your second series of citations from the managers of Sacheverel's impeachment, you endeavour to shew that they gave *no countenance to the idea that the people acquired at the Revolution any moral or civil competence to alter, without breach of the original compact on the part of the king, the succession to the crown at their pleasure, or to set up a new form of government.* But as the present whig party have given as little countenance to any such idea as these gentlemen did, as they would if called upon deny and oppose it as much as they did; there is no reason that I should examine this part of your appeal. It relates wholly to your dispute with Thomas Paine, and not at all to your difference with the whigs. There is, however, one passage in it that I think merits observation.

Not content with having denied the *legality* of the Revolution, you say farther, that as things now stand, it is hardly possible for the king alone to violate the laws or subvert the constitution—*That the liberties of the nation can scarcely be destroyed by any thing short of a combination of King, Lords, and Commons. In which case any opinion of a right grounded on precedent of the Revolution would be but a*
poor

*poor resource**. This is indeed a deep and dangerous topic ; a case which it would perhaps have been wiser in imitation of the prudent silence recommended by the example of Sir Joseph Jekyll, not to have brought forward ; but you have chosen to state it, and we will not fly from the discussion. Upon this too, since you insist upon it, we will assert *our foundations*.

In stating hypothetically what might be done of right in a non-existing case, clear and strict analogies to rights already acknowledged and established in cases that have really happened are of equal force with these declared rights themselves, because they are the best authority that the nature of the subject will admit of,

Let us then examine how far the principles established at the Revolution for the case of a King “ violating the fundamental laws and endeavouring to subvert the constitution ” are applicable to the same proceeding when carried on by the three estates in conjunction.

If there is “ an original contract between the king and the people ” as stated in the *Declara-*

* If any thing could give countenance to Paine’s idea of the necessity of an antecedent constitution, it must be some such an absurd idea as this, that evils once established under legal forms are without remedy.

tion of Rights, there is certainly still a closer and more immediate contract between the people and the two Houses of Parliament.

If, “when the King breaks his contract all allegiance ceases,” *a fortiori* when the other branches break their contracts all obedience to them is *ipso facto* at an end.

If as it was maintained and established at the Revolution, “any thing may be renounced or relinquished by doing such acts as are inconsistent with the holding or retaining of the thing; if “the government is under a trust,” and that any acting contrary to that trust is a “renouncing of that trust, especially if the actings be such as are subversive of that trust;” then it follows, that the parliament “by avowing to govern by powers unknown to the constitution and inconsistent with it,” would “renounce to be a parliament according to law; which would be to all intents and purposes an abdication or abandoning of their legal title.”

If the “resistance at the Revolution was lawful and just, because necessary;” if “the right of the people to self-defence, and the preservation of their liberties by resistance, as a last remedy, is the result of a case of such necessity;” resistance against a combination of
King,

King, Lords, and Commons, "to destroy the
"liberties of the nation," would be still more
just because more necessary.

I have here, as well as in my own whig confession, confined myself to the positions and the very words of Lord Somers, Lord Holt, Mr. Lechmere, and Sir John Holland; and if there is any thing in the world clear, it is that for this case, so far as it regards the *right* of resistance, the precedent of the Revolution is not as you say "a poor resource," but a full legal and constitutional authority.

How far this legal resistance might be practicable or successful *in fact* can indeed be only matter of opinion; for my own part I firmly believe as the nation is now constituted, with the example of the times before our eyes, that such a combination marked and avowed by any strong overt-act, would be overturned and destroyed in a fortnight.

After you have, as I think I shew completely, both failed in your attempt to establish the whiggism of your client, and to destroy that of the opposition party, you bring forward some of the leading notions contained in a pamphlet entitled *Rights of Man* as opposed to those of the *Reflections*; and, as if there was no other alternative or medium, you invite your whig reader to make his choice between the two doctrines.

doctrines. But what if the whigs, thinking them both bad, should absolutely refuse to take either? What if they find the puritan cant of the *Rights of Man*, and the episcopal cant of the *Reflections* equally uninviting? Nor when they reject both, are they, that I know of, at all called upon to declare which of the two they prefer. To insist upon a declaration of preference between an anabaptist and a papist would surely be a strange requisition in the confession of faith of a protestant of the church of England. All that can be expected from the protestant or the whig is to defend his own religious or political faith when attacked on either side. Whether we incline most to the errors of the *Reflections*, or the errors of the *Rights of Man*, we are not obliged to declare; but we will, since we are called upon, shew how we differ from both. However before we enter upon the discussion of Mr. Paine's maxims, I have some observations to make upon the mode of reasoning you employ to prove the propriety of publishing such a work as the *Reflections*; and the general necessity there always is for men of weight and credit to be forward and early in opposing any new or dangerous doctrines, as well as upon some passages contained in the *Letter to a Member of the National Assembly*.

You observe upon this occasion, page 99, *that there is no boundary to men's passions when they act*
under

*under the influence of imagination, and that a theory concerning government may become as much a cause of fanaticism as a dogma of religion**, but the wisest men have thought both from their knowledge of the human mind, and the universal experience of the fact, that enthusiasm and fanaticism are always increased by notice and opposition. Reason does but ventilate the flame, and opposition blows it up into a conflagration. Neglect is the cold water which seldom fails to extinguish the fire. In this view, supposing as you do, that the theory of the French Revolution had excited any fanatical admiration in this country ; what could be more injudicious and ill-timed, than to excite and irritate this passion by the angry persecuting heat of such a work as the *Reflections* ? The *Reflections* preceded and provoked the *Rights of Man*, and whatever mischief is produced by the latter, calculated, I think, under certain circumstances, to do a great deal, must be ultimately referred to your author. If he had not so unwisely made a personal attack upon a man defended by an excellent private character†, and used such provoking and indiscreet terms as, *the*

* An observation of the truth of which your author has himself furnished more than one example, especially in his *Letter to a Member of the National Assembly*.

† Dr. Price.

king

king holding his crown in CONTEMPT of any description of the people, &c. Mr. Paine would not have ventured to go the lengths he had done. By being in the wrong ourselves, we always put our adversaries in some degree in the right. Your client has paraded about in old-fashioned gothic armour as the champion of I know not what feudal chivalry, and has exposed himself to be knocked down by this American rifle-man ; and the worst of it is, the world is seldom disposed to commiserate a misfortune brought upon ourselves by too much officious zeal.

Another evil arises from the intemperate excess in which your author indulges himself ; it takes away from the effect of what is found in his works ; for that they contain many excellent observations, particularly relative to the influence and efficacy of moral and religious principles in governing mankind, no dispassionate reader can deny. But anger generates anger, and intemperance begets intemperance. By the collision of zeal against zeal the train is set fire to, and the voice of reason is utterly stifled in the noise and confusion. That a person who has any respect for himself should descend to call names, is very surprising. To charge men with mere terms of abuse requires or evinces no superiority of any kind. Such appellations as “ infamous gang,” “ wicked faction,” “ tyrannic

tyrannic impostors,*” “ incendiaries,” “ assassins,” “ housebreakers,” “ robbers ;” such epithets as “ foul,” “ impious,” “ monstrous,” “ savage,” “ barbarous,” “ treacherous,” “ wicked,” “ cruel,” “ clumsy,” “ stupid,” and a thousand others in which the *Reflections*, the *Letter*, and the *Appeal* abound with, such nauseous prodigality may always be hurled back upon the adversary with more success than they are at first employed because the usage of them is then justified by example.

The most wild and extravagant of all this gentleman's productions is his *Letter to a Member of the National Assembly*. One hardly sees to what it tends. It seems to be nothing but an effusion of anger ; a mere evacuation of bile : unless we can believe that he fancied himself deputed by providence to lead the powers of Europe to Paris, as St. Dominic did on a like occasion to Toulouse. But however this may be, it is curious to remark with what passionate attachment to monarchs, and strange prepossession against the people, this whig decides upon all the late disputes between them.

* This term is applied to Voltaire and D'Alembert, and Helvetius, and Raynal, because they are suspected of professing the same religion with Socrates and Plato, and Cato and Tully.

He tells us in this *Letter*, that the King
 “ of Prussia in conjunction with us nobly
 “ interfered to save Holland from confu-
 “ sion :” As if these powers were induced to
 meddle in the affairs of that country without
 any interests or passions of their own to gratify,
 but merely from the love of order !

By the late *Treaty of Reichenbach*, and the
*Convention of the Hague**, England and Prussia
 and Holland agreed to guarantee to the Austrian
 Nether-

* *Extracts from the Treaty of Reichenbach and the Convention
 of the Hague.*

“ Les circonstances ayant amené, que les deux puissances
 “ maritimes, non seulement comme *garantes de la constitu-*
 “ *tion des Provinces des Pays-Bas Autrichiens*, mais aussi,
 “ comme parties intégrantes du traité qui en a donné la pos-
 “ session à la maison d’Autriche, ont dû concerter entre elles,
 “ &c. Sa Majesté déclare qu’elle continuera d’agir dans le
 “ plus parfait concert avec les deux puissances maritimes tant
 “ relativement au sort & à la *constitution de Pays-Bas Autri-*
 “ *chins, qu’à la garantie de cette dernière.*”

“ *Contre Declaration du Ministre Prussien,*
 “ *à Reichenbach le 27 Juillet, 1790.*

“ 3°. Que pour ce qui regarde les Belges, je ne me sepa-
 “ rerai jamais des puissances maritimes, soit pour le réta-
 “ blissement de la tranquillité, soit *pour la garantie de leur*
 “ *ancienne constitution.*”

“ *Instruktion de la propre main la Roi de Prusse au Comte de*
 “ *Hertzberg, en date 25 Juillet, 1790. Signé Frederic*
 “ *Guillaums.*

Netherlands their constitution, such as it was in the reigns of Charles VI. and Maria Teresa, as well as a general amnesty. The emperor's ministers accepted of this guarantee, and the treaty and convention were signed and executed.

But

“ Il est notoir que dans les Conventions signées à Reichensbach le 27 Juillet, 1790, & ensuite dûement ratifiées
 “ entre sa Majesté le Roi de Hongrie & de Bohême, actuellement Empereur des Romains, leurs Majestés les Rois
 “ de Grande Bretagne & de Prusse & Leurs Hautes Puissances les Etats Généraux des Provinces Unies, il a été
 “ arrêté que la tranquillité & le bon ordre seroient promptement rétablis dans les provinces Beligiques & que les trois
 “ puissances alliées concoureroient au rétablissement de la
 “ domination de sa Majesté apostolique dans ces provinces,
 “ moyenant l'assurance de leur ancienne constitution avec une
 “ Amnistie pleniére & l'oubli parfait de ce qui s'est passé pendant les troubles, le tout sous la garantie des dites trois puissances,

I.

“ Sa Majesté Impériale en recevant de la manière usitée
 “ l'hommage des provinces Beligiques, leur confirmera à toutes
 “ & à chacune les constitutions, privilèges & coutumes légitimes,
 “ dont la jouissance leur a été assurée respectivement par les actes
 “ d'inauguration de l'Empereur Charles VI. & de l'Impératrice
 “ Marie Thérèse de glorieuse mémoire,

II.

“ Sa Majesté Impériale consent à ensevelir dans un parfait oubli tous les excès & désordres commis dans le tems
 “ des troubles & de les comprendre dans une Amnistie Générale
 “ qui sera incessamment publiée.

But in the mean time, I suppose from the unsuspecting integrity of our negociators, and the dextrous insincerity of his, the final ratification and exchange of these treaties were some how evaded, and the provinces in dispute were taken possession of by 50,000 Hussars and Houlans and Hungarians †. By the administration of

IV.

“ Leurs Majestés les Rois de la Grande Bretagne & de Prusse, & leurs hautes puissances les Etats Généraux des Provinces Unies garantiront de la maniere la plus solennelle à sa Majesté Impériale, & ses augustes héritiers & successeurs, la souveraineté des provinces Beligiques, &c. Comme les puissances susmentionnées garantiront également la conservation & pleine jouissance des constitutions & privilèges & coutumes, &c.

“ Signé

“ Le Comte de Mercy Argenteau,

“ Auckland. le Comte de Keller Van de Spiegel.”

La Haye, Dec. 10, 1790.

To a simple observer Leopold seems to have treated these high contracting parties not a little cavalierly, Prussia perhaps received some satisfaction at the meeting at Pilnitz; but Great Britain and her “rescued Holland” seem to be left in a situation ridiculous enough. How the English Cabinet relish this *bad pleasantry* of the Emperor’s, I do not know: nor am I at last at all sure that the whole proceeding may not be justified by the received rules of diplomatic jockeyship, of which I acknowledge myself wholly ignorant.

† It is said that an Estafette was dispatched on the part of our Ministers at the Hague, requiring Marshal Bender to suspend his march; to which the Marshal replied, as the evil spirit did to the Jewish exorcist—Leopold I know, and Kaunitz I know, but who are ye?

these

these barbarian mercenaries, is that unfortunate country at this moment governed ; and according to the treachery reduced to principle of absolute monarchs, by which they consider themselves as absolved from all bonds with the people the instant they can be broken with impunity, Leopold II. now supports many of the innovations made by the late Joseph, refuses to give the people any assurance or security for their constitution, or to pass any general amnesty or act of pardon, and the country is held by a military force at an expence exceeding the whole revenue of the state. All this however does not prevent this author from informing us, with great gravity and precision, that the “ same power” (Prussia) joined with rescued Holland “ and with Great Britain, has put the “ Emperor in possession of the Netherlands, “ and secured under that Prince from all arbitrary innovation the ancient hereditary constitution of those provinces.*”

With

* In a letter to a certain French *emigrant*, speaking of the affairs of the low Countries, our author is reduced to a curious dilemma. He is obliged to give some sort of decision between a monarch, an imperial monarch, and his monks—on this point, “ il suggere, (for it is in French that this letter “ appears) aux conseillers, de l’Empereur, de ne point de- “ truire les prejugees dont un homme habile fait tier parti “ pour le gouvernement—de ne pas exciter les hommes a “ fouiller trop scrupuleusement dans des bases des anciennes “ opinions”

With the same miserable prevention, as if Prince smust always be in the right, and the poor people in the wrong, he tells us that "the chamber of Wetzlar has restored the Prince Bishop of Liège unjustly dispossessed by the rebellion of his subjects." Here indeed some reasonable allowances must be made for the gentleman's feelings. A prince and a bishop too is

"opinions" de peur "que la plupart d'entr'eux ne voient bientôt que les monarques ne sont pas plus utiles à la société que les moines ; mais d'oublier une fois pour toutes l'immense Encyclopedie et la Bibliotheque des Economistes, et de revenir tout bonnement aux anciens principes" (the principles of monkery and absolute monarchy) —That it might be for the advantage of princes and priests to replunge the world in ignorance and barbarism is perhaps true ; but when the gentleman advises kings to forget what they have learned, he does not seem to recollect that they cannot at the same time command their subjects to unlearn what they have once known. When men have begun to think for themselves ; when they have carried their temerity of free-thinking perhaps so far as to suspect that nations may exist without monks or tyrants, it is already too late to burn libraries or philosophers. If the "Condorcets" and the "Raynals" "ces piés philosophiques de la littérature moderne" have now the better of the Dominics and Ignatiuses "ces oiseaux blancs et noires de l'ancienne superstition," every dog shall have his day ; and the dogs that bark are less dangerous than the dogs that bite ; and the advice "de ne les pas estimer un denier" while they have any influence over mankind, is not good. See *Lettre de M. Burke sur les affaires de France & des Pays-bas adressée à M. le Vicomte de Rivarol. Traduite de l'Anglois.*

to be sure an irresistible object of love and veneration. Prejudice and partiality in favour of such a superlative combination of excellence is scarcely to be deemed a fault. But before he exposed this doubly sacred figure to profane eyes, he should have had the prudence to inquire a little into the fact, which I am afraid does not turn out very favourably to the character of this Hierarch.

The country of Liege had been long in possession of a constitution tolerably free, confirmed by various charters, among which they consider the *Peace of Fexe*, as their magna charta. One of their fundamental articles, as indeed it must always be where there is the least shadow of a free government, is that the Prince-Bishop cannot make new laws, or dispense with those which exist, without the consent of the states. In contravention to this fundamental article, he first granted contrary to law some lucrative privileges and immunities of which he himself shared the emoluments, and proceeded in consequence and support of this first illegal act to alter and dispense with several other laws, not only without the consent of the states, but in direct opposition to their remonstrances and reclamations. He had "violated the fundamental laws, and totally subverted the constitution." This man too has been restored by the Emperor's troops (for I suppose the writer knows

knows that the chamber of Wetzlar is an empty name) without any conditions in favour of the people. This fertile and populous province is also under martial law——

*Impius hæc tam culta novalia miles habebit !
Barbarus hæc segetis !——*

A set of armed savages are turned loose upon the wretched inhabitants, who are reduced to that last state of human indignity to pay with the substance of their families the instruments of their oppression. Such are the moral and political situations and events in which this author exults with a levity, which whether it proceeds from ignorance or wilful misapprehension, is surely not a little reprehensible on points of such infinite importance to mankind*.

* If on such subjects it were possible to admit of any pleasantry, what follows in the *Letter* concerning the Turkish peace, must surely have forced a smile from the gravest countenance. The idea that Frederic William “interposed to snatch the great Turk from the pounces of the imperial eagle” moved in any degree by that sort of “compassion” which the author endeavours to excite by comparison in favour of “a virtuous monarch, by the courtesy of Europe most Christian :” or that the imperial birds of prey, Joseph and Catharine, had any consideration to “the enmity of the Turks to the Christian name,” or their refusing “the salutation of peace (salum)” when they fixed their claws into certain rich provinces of the Turkish empire, presents a sort of affectation of primitive simplicity, than which, applied to this occasion, nothing, I think, can be more comic.

Before

Before I conclude, I am tempted to take some notice of your wanton butcherly attack upon J. J. Rousseau, if it were merely to satisfy the indignation it has excited in my mind. I knew this celebrated writer, not like your author "by watching his proceedings from day to day" for the few weeks that David Hume was making a raree shew of him in London, but by being admitted, with an exception which I must ever regard as a very honourable distinction, into his private intimacy at different times during the latter part of his life; and I never saw any person whose manners and conversation were more calculated to create affection and respect. This man who is described as "entertaining no principle to influence his heart or guide his understanding, but vanity," had so unaffectedly sought after retreat and obscurity, as to live fourteen years unobserved and unknown in the middle of Paris, where his vanity might have fed to satiety upon the most flattering incense*. However he might have felt the influence of this passion in his youthful days, and then few people are without it, he

* If ever the gentleman who is so angry at the vanity of another should so far forget his own as to execute "the sentence of retirement he has passed upon himself;" if ever he should cultivate his acres in silence and obscurity for fourteen years together, he may then with somewhat more of propriety censure the vanity of another.

was, I think of all men I ever conversed with, the most thoroughly cured of it in his maturer age*. It was the subject of his eternal regret that he should ever have sacrificed to this idol. That he retorted upon the world perhaps a little too strongly the contempt from which his station in life had not exempted him, and which despised superiority is apt too impatiently to suffer, I do not deny; but this feeling is of another flight than groveling vanity; though he had no better motive, he was too proud to be vain.

To enter into an examination or support of the writings of Rousseau, is not at all my intention. Our stage is too small for the attack and defence of the maxims and doctrines of sixteen quarto volumes†. Besides those who are capable

* He used to relate an anecdote descriptive enough of the extreme littleness of this petty passion. The tradesmen at Paris dress in black on a Sunday, and at the season of the year they never fail to place in that button hole where the order of Saint Louis is worn, a kind of renunculus exactly the colour of the ribbon which at a certain distance cannot be distinguished from it; and their vanity is satisfied with the impression made at first view upon the person they meet though the deception can last but a few moments.

† C'est une chose bien commode que la critique; car on l'on attaque avec un mot et il faut des pages pour se défendre.
J. J. Rousseau.

of understanding these works, will chuse to judge of them for themselves ; and those who are not, though they may now and then be employed to hang up a living philosopher, or to set fire to his house, can have no influence whatever upon his reputation after his death. I will only remark, that the author of this *capuchinade* peremptorily decides against the character of a great man from the casual observation of a few days ; looks for his virtues in the *confession general* of his sins ; and determines upon the good or bad tendency of elaborate treatises on education and government written *ad rem*, from a few love-letters in a novel ; which when he describes the author as “ wholly destitute of taste in any sense of the word,” we must suppose he has only read in some abortive translation. The moral writings of Rousseau seem to rest upon a principle which he is perhaps the first who has developed to any extent, and is I think founded upon truth and nature. *A distinction between the natural passions of man and those factitious passions which are the produce of society*—the former all relate simply to our well-being and preservation ; are all in themselves good, and only become wrong by excess ; and this *love of ourselves* (*amour de soi*) when confined to the desire of well-being which seems inseparable from conscious existence, is not only innocent in itself, but is the source of all the natural affections.

Those passions on the other hand that *raise from comparing ourselves with others in order to obtain some preference or distinction*, such as ambition, avarice, envy, jealousy, and in general all the *hating* passions with all their infinite combinations, do not belong to the original nature of man, but are wholly generated by the artificial and complicated relations of society, which we ourselves create by our institutions and laws and opinions ; and these factitious passions this writer seems to consider as the sources of all the vices and moral miseries of mankind : from whence this very general position follows ; that the business of ethics, or morals, is to prevent *self-love*, (*l'amour de soi*) or the natural desire of good, from degenerating into *selfishness* (*l'amour propre*) the great source of moral evil.

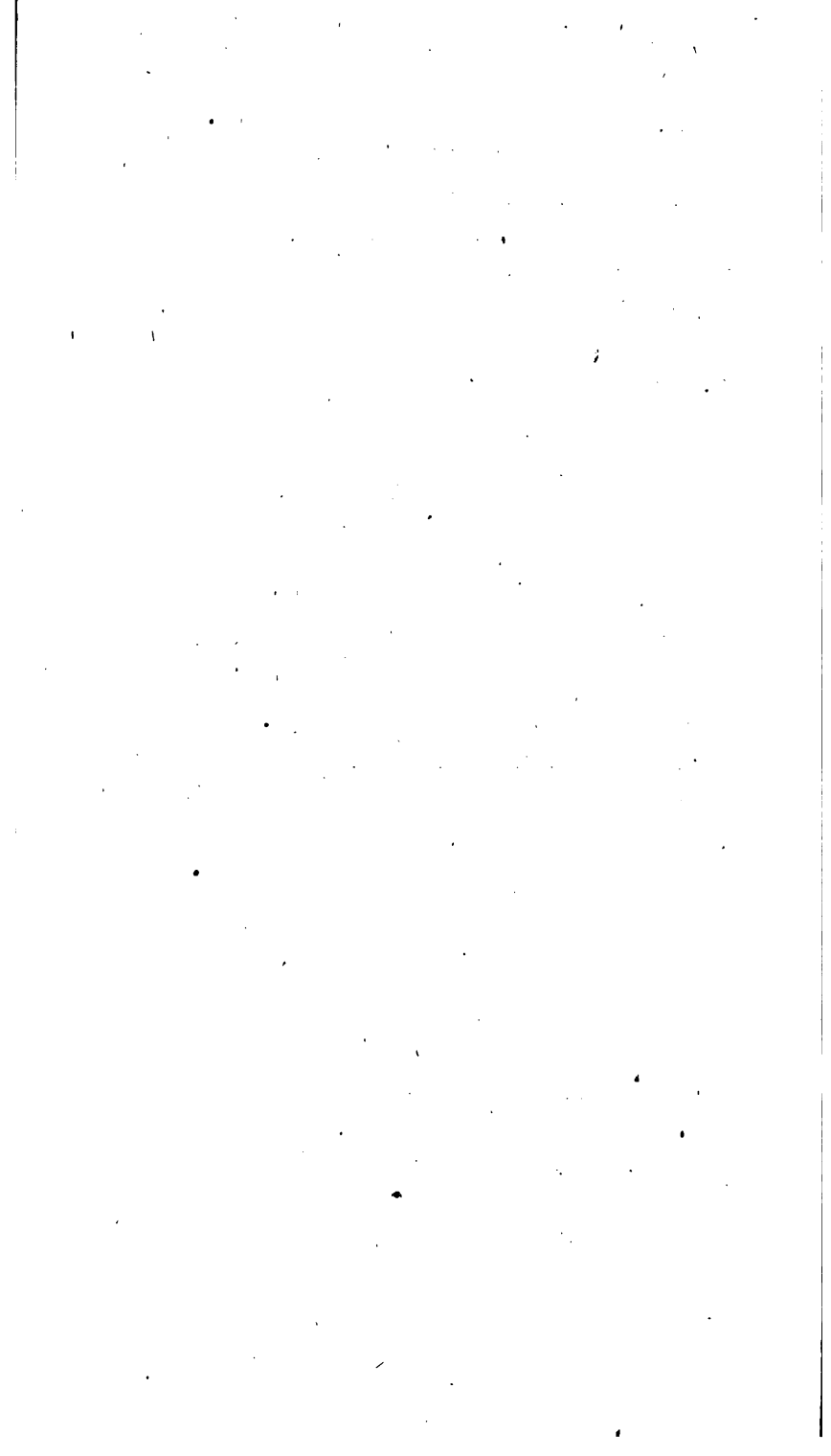
The writings of Mandeville, La Rochfaucault, Swift, Helvetius, &c. encourage the vices by representing them as inherent in human nature. Rousseau would lead us back to virtue and happiness as to our native rights and possessions.

His system of education goes upon the same or analogous principles.—To substitute things for words—to exercise and enforce the natural affections by presenting real living situations in the room of dead uninteresting precept—

to

to guide the mind by the unalterable tendencies of nature instead of the fluctuating opinions of men—to impress truth and right by the operation of inflexible necessity, moral and physical, rather than by the feeble and imperfect power of human institutions.

END OF PART I.



PART II.

OBSERVATIONS

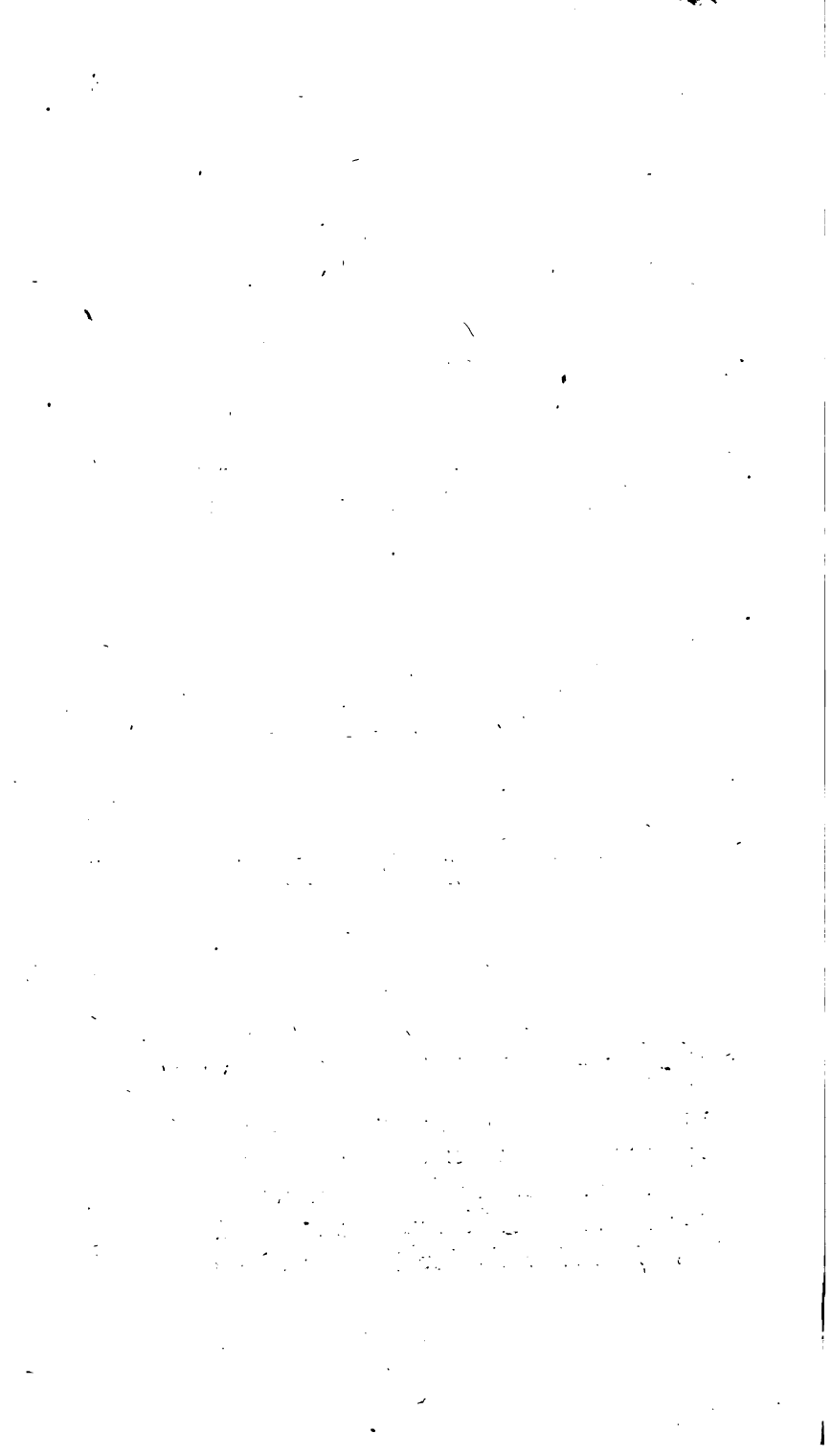
ON

MR. PAINE'S

RIGHTS OF MAN.

—Quæ tanta infania cives?—

VIRG.



I AM now, according to promise, to examine some tenets set forth in a certain publication, by a person who styles himself *Secretary for Foreign Affairs to the Congress, in the American War*. I confess that I enter upon this discussion with much reluctance and distaste. A lover of freedom with all the faculties of my heart and mind, to combat even her faults and excesses I feel an irksome task, and no man willingly enters upon a subject where he will be forced to blame what he desires to praise. The French Revolution furnishes sufficient matter for admiration; merit more than enough to sanctify its errors and imperfections; for after all, excess of freedom is a glorious fault. But this man has falsely and maliciously endeavoured to apply the principles of that Revolution to subvert the excellent constitution of this country, and this must not be silently endured. Besides that I can scarcely expect to obtain a candid

and intelligent hearing from the only persons whom I have any occasion to address. Men who are satisfied with impudent, and unfounded assertion ; or whose passions have taken a part because they feel that a general *level* would be to them an advancement, certainly form no very inviting audience. If this work is, as I think, written with the logic of shoemakers and the metaphysics of barbers, I know not how to adapt my observations to this new kind of connoisseur in politics ; and the learned and judicious will not want my assistance to detect its quackery and ignorance ; so that I write under the discouraging apprehension that what I shall say will be useless to one description of my readers, and unnecessary to the other.

Besides "*Rights of Man*," two other publications of this same author have lately been put into circulation, as it is said, with much industry ; one entitled *Common Sense*, and the other *A Letter to the Abbé Raynal*. *Common Sense* was written in the year 1776, when England had too late, and with the worst grace, held out reconciliation to America ; and was designed by the writer to dissuade her from accepting of any terms which were or might be offered to them from this country. That America had then acquired a full right to decide for herself I am not disposed to deny ; and
if

if this officer of the Congress thought it best for her to come to an immediate and final separation from England, I think he did his duty in endeavouring to persuade the people into the same opinion. To his arguments on this head I have nothing to oppose; they seem to be forcible; and the *cant* with which they are accompanied I suppose he knew was suited to the taste of his readers. *Cant* is the spurious offspring of enthusiasm, begotten by hypocrisy. But as the cant of this American ex-secretary partakes, I suspect, much more of the father than the mother, he ought to have known, that his scripture politics are obsolete and superannuated in these countries by an hundred years. "Government by Kings being the most prosperous invention the Devil ever set on foot for the promotion of idolatry"—"Monarchy being one of the sins of the Jews for which a curse in reserve is denounced against them"—"the Almighty entering his protest against monarchical government," and "disapproving from jealousy a form of government which invades the prerogative of heaven*," is such monstrous nonsense as might, for what I know, be suited to the fanatics of Boston, where witchcraft was in great vogue the beginning of this century, but here will ex-

* Common Sense, pages 16, 17, 18,

cite nothing but contempt as a wretched endeavour to arm ignorance and superstition against reason and common sense. Does he mean to advise us to change our civil government for an hierarchy, when he so violently reprobates an ancient nation for changing their hierarchy for a civil government? When the Jews, weary of the tyranny of priests, desired governors whose acts not pretending to be commanded by God might be questioned by men, is it enough to prove against the reasonableness of this desire that *the thing displeased Samuel*, when they said, Give us a King to judge us? If the people of Rome were at this day to require a civil governor in the place of the Vicar of Christ, I suppose the thing would displease the Pope, but would that prove the folly or wickedness of the request?—In truth such stuff is no otherwise worthy of notice, except to shew the low arts to which this mountebank has recourse, to adapt his drugs to people of all sorts. Provided he can *overturn*, he cares not whether it be by the hand of philosophy or superstition, and it is nothing to him which of the two possess themselves of the ruined edifice,

The other publication is, *A Letter to the Abbé Raynal*, in answer to certain Reflections on the American Revolution, where the *Abbé* had the boldness to praise the magnanimity of England
in

in this great war. Upon these publications I have but one remark to make, which is of consequence only because it determines the degree of confidence we ought to place in the *motives* and designs of the author of "Rights of Man;" and this is, that they contain the most positive and unequivocal declarations of eternal and implacable hatred and enmity to these countries. "Men of passive tempers," he says, "look somewhat lightly over the offences of Britain, still hoping for the best, and are apt to call out, come, come we shall be friends again for all this. But let us examine the passions and feelings of mankind; bring the doctrine of reconciliation to the touchstone of nature, and then tell me whether you can hereafter love, honour, and faithfully serve the power that hath carried fire and sword into your land?*"—"to talk of friendship with those in whom our reason forbids us to have faith, and our affections wounded through a thousand pores instruct us to detest, is madness and folly,†" the last cord is now broken, the people of England are presenting addresses against us. There are injuries which nature cannot forgive, she would cease to be nature if she did. As well can the lover forgive the ravisher of his mistress

* Common Sense, p. 38.

† Page 51.

“as the Continent of America forgive the
 “murderers of Britain. The Almighty hath
 “implanted in us these unextinguishable feel-
 “ings to good and wise purposes*,” Nor were
 these either temporary feelings excited by re-
 cent sense of injury, or mere suggestions calcu-
 lated to promote the declaration of indepen-
 dency, but the real workings of the man’s
 mind ; for the same rooted hatred to England
 appears in his “Letter to Raynal,” written
 after an interval of three years, and after the
 independency of America had been declared ;
 and is repeated and avowed and renewed at this
 moment by ostentatious republications in the
 very midst of us ; nay it is, if possible, carried
 farther. In the former publication the eternity
 of hatred is founded on the injuries of a long
 war—because, “never can true reconciliation
 “grow where wounds of deadliest hate have
 “pierced deep”—but in the latter it is justi-
 fied upon the detestable qualities of the English
 people in general ; and the author very seri-
 ously invites all the world to unite with him in
 hate, and to join together to machinate the de-
 struction of this odious nation. “If,” says he,
 “we take a view of the part Britain has acted,
 “we shall find every thing which ought to
 “make a nation blush ; the most vulgar abuse

* Page 52.

“ accompanied by that species of haughtiness
 “ which distinguishes a mob from a gentle-
 “ man.* It was equally from her manners as
 “ from her injustice that she lost her colonies.†”
 To the *Abbè's* admiration of the magnanimity
 of England in refusing to accept the mediation
 of Spain in 1779, he says, “ the rejection was
 “ not prompted by her fortitude but her va-
 “ nity.‡ Why did not the *Abbè* rather dwell

* Thomas Paine has been well illuminated since he talked
 of GENTLEMAN.

† Letter to the A. R. p. 10.

‡ The following is the passage as cited in the Letter (p.
 58.) which so grievously offended this detractor of the British
 name—

“ It is in such circumstances as these ; it is in the time
 “ when noble pride elevates the soul superior to all terror—
 “ when nothing is seen more dreadful than the shame of re-
 “ ceiving the law ; and when there is no-doubt or hesitation
 “ which to chuse between ruin and dishonour ; it is then that
 “ the greatness of a nation is displayed. I acknowledge
 “ however that men accustomed to judge of things by the
 “ event, call great and perilous resolutions, heroism, or mad-
 “ nesa, according to the good or bad success with which they
 “ have been attended. If it should then be asked what is
 “ the name which shall in years to come be given to the
 “ firmness which is at this moment exhibited by the English,
 “ I shall answer that I do not know. But that which it
 “ deserves, I know. I know that the annals of the world
 “ holdout to us but rarely the august and majestic spectacle
 “ of a nation which chuses rather to renounce its duration
 “ than its glory.”

“ with

“ with pleasure on that greatness of character,
 “ that superiority of heart which has marked
 “ the conduct of France in her conquests. The
 “ confederates unite in a rival eminence in the
 “ treatment of their enemies. Spain, in her
 “ conquest of Minorca and the Bahama islands,
 “ confirms this remark. America has been in-
 “ variable in her lenity from the beginning of
 “ the war. It is England only who has been
 “ insolent and cruel*. A mind habituated to
 “ meanness and injustice, commits them with-
 “ out reflection. For on what other ground
 “ than this can we account for the declaration
 “ of war against the Dutch †? When once the
 “ mind loses the sense of its own dignity, it
 “ loses likewise the ability of judging of it in
 “ another. And the American war has thrown
 “ Britain into such a variety of absurd situa-
 “ tions, that arguing from herself, she sees
 “ not in what conduct national dignity con-
 “ sists in other countries. From Holland
 “ she expected duplicity and submission,
 “ and this mistake arose from having acted
 “ in a number of instances during the pre-
 “ sent war the same character herself.”—
 “ To be allied to or connected with Britain
 “ seems to be an unsafe and impolitic situation.
 “ Holland and America are instances of the
 “ reality of this remark. Make these coun-

* Letter, pages 62, 63.

† Page 69.

“ tries the allies of France or Spain and Bri-
 “ tain will court them with civility, and treat
 “ them with respect; make them her own
 “ allies, and she will insult and plunder
 “ them. In the first case she feels some ap-
 “ prehension of offending them because they
 “ have support at hand; in the latter these
 “ apprehensions do not exist*.—A total refor-
 “ mation is wanted in England.—She wants an
 “ expanded mind †.—She has laboured to be
 “ wretched and studied to be hated ‡. France
 “ is as able to be superior to England in the
 “ extent of a navy as she is in the extent of her
 “ revenues and population, and England may
 “ lament the day when by her insolence and
 “ injustice she provoked in France a maritime
 “ disposition;”—and then follows a detailed
 plan for the annihilation of the British navy—
 “ To conclude, if it may be said, that Britain
 “ has numerous enemies, it likewise proves
 “ she has given numerous offences. Insolence
 “ is sure to provoke hatred in a nation or an
 “ individual§.” “ The want of manners in
 “ the British court even in its birthdays and
 “ new year’s odes, are calculated to infatu-
 “ ate the vulgar and disgust the man of

* Page 71.

† Page 74.

‡ Page 78.

§ Thomas Paine then it should seem has no objection to provoking hatred.

“refinement* ;” and her former overbearing
 “rudeness and insufferable injustice on the seas,
 “have made every commercial nation her foe.
 “Her fleets were employed as engines of prey,
 “and acted on the surface of the deep the
 “character which the shark does under it.”—
 And he finally advises the powers, at a general
 peace to allow her only a limited number of
 ships.

From this series of declarations of enmity
 and abhorrence, continued through a period of
 many years, and now confirmed by a new
 avowal, no doubt, I think, can remain in any
 man's mind of the determined evil disposition
 of this person respecting the British nation ;
 nor consequently of the malevolent spirit by
 which he must be actuated in all his voluntary
 proceedings towards us. After all his plans for
 her destruction, and predictions of her fall, he

* Learned and ingenious writers have sometimes very
 successfully lowered their style to the level of the common
 people, as Swift did in his celebrated Draper's Letters ; but
 this writer has the natural eloquence of a night-cellar. He
 writes in defiance of grammar, as if syntax were an aristo-
 cratical invention ; and with a disregard of decency wor-
 thy of his politics. There is a sort of monkey-like im-
 pudence, which is so gross that the malice of it is lost in
 the buffoonery ; of this kind is his affectation of refined dis-
 gust at the vulgarity of the English court in a writer whose
 merit, if he has any, consists in his vulgarity.

fees her rise superior, in her relative situation as well as her internal prosperity to what she was before. Like the Devil in Paradise he turns aside with envy at the sight, and projects the destruction of this happiness, not only in the same spirit, but by the very means employed by Satan himself.

——I will excite their minds
With more desire to know, and to reject
Envious commands, invented with design
To keep them low, whom knowledge might exalt
Equal with Gods : aspiring to be such,
THEY TASTE AND DIE——

But if his malice is as deep, he is not quite so great a master of his art. Stimulated by vanity, he accompanies his diabolical counsels with such certain indications of evil design, as must awaken distrust in the most credulous. Under these indications “his suspected gift will be either cast into the flames entire, or its contents examined with the most scrupulous care and mistrust*.” It shall be pulverized and sifted like the golden calf, and scattered to the winds of Heaven.

* *Quorum melior sententia menti
Aut pelago Danaum insidias, suspectaque dona
Præcipitare jubent, subiectisque urere flammis
Aut terebrare cavae uterq, et tentare latebras.*

The pamphlet entitled "Rights of Man" proposes no less than to destroy every moral, and religious, and political establishment in the world ; and to replace them with a perfect system of its own. It is a sketch of a complete code of destruction, of which the following are the great outlines.

That the living cannot be bound by laws made by the dead.

That all men being perfectly equal, every man has an equal right in every thing.

That every man in society retains the right of doing every thing that he is able to do ; and acquires the right to call upon the general force to assist him in doing every thing that he is not able to do.

Bold as our author is, that he may not frighten his game too soon, in establishing the first of these principles, he uses Mr. Burke as a stalking horse.

The author of the *Reflections* had endeavoured to support the unconstitutional doctrine of the *indefeasible* right of succession to the crown by the force of certain technical terms of course used in the settlement of the present legal establishment—*most humbly and faithfully*
submit

submit themselves, their heirs, and posterities, for ever—and this error is seized upon with great avidity by our *anarchist*, as a pretext, poor as it is, for introducing his first attack upon laws in general. But it is obvious that the *Reflections* could only mean to assert (though falsely not absurdly) that *such being the constitution established by law, such it must consequently remain at this day, and as long as the constitution exists, unless the law by which it is ordained shall be repealed or altered by the legislature.* In this sense, and no other, can the gentleman be understood to consider this declaration or the statute enacted upon it, because he expressly recognises the *rights of the legislature to regulate the succession; and the power of the nation at all times wholly to abolish the monarchy and every other part of the constitution**. All the nonsense therefore which this writer chooses to combat for nine pages together, supposing the gentleman to have maintained the grand absurdity, that any legislature can make laws which no subsequent legislature can alter or repeal, is perfectly gratuitous: and what is more, Mr. Paine knows that it is; but under the cloak of this supposed error, he wishes to smuggle in this part of his system of destruction without alarming tender consciences too much by pre-

* *Reflections.*

senting it point blank, and at once. The following positions subversive of all law, are therefore introduced not directly but obliquely, as if in answer to a pretended absurdity †.

1. *Every age and generation must be as free to act* for itself in ALL CASES, as the generation which preceded it.*

Which is to say in other words, that the present generation is not bound by any law or establishment made by any preceding generation; because if we were bound to any obedience to these laws, it would be absurd to say that we are as free to act in all cases as men were before these laws were made.

2 *The parliament or the people of 1688, or of any other period, had no more right to dispose of the people of the present day, or to bind or control them in any SHAPE WHATEVER, than the parliament or the people of the present day have to*

† If after all it should be possible that Mr. Paine could really conceive the author of *The Reflections* to mean that any body of men ever did or could make a law incapable of being altered or repealed, I beg his pardon for having defended his sagacity at the expence of his honesty; and I greatly admire his humility in condescending to answer such perfect folly.

* Not to legislate, observe, but to act.

dispose

dispose of or to bind or control those who are to live a hundred or a thousand years hence.

But it is certain that the parliament or the people of the present day have not a shadow of right to make laws which are to operate a thousand years hence, or to legislate expressly for any future generation ; because they cannot preclude the right of every generation to make, or repeal, or alter laws ; therefore we, the people of the present day, are not bound or controlled in any shape whatever by any act of the parliament of 1688, or of any other past generation.

3. *When man ceases to exist, his power ceases with him. He has no longer any authority in directing who shall govern, or how government shall be organized, or how administered.*

But if all laws and establishments lose their authority as soon as the makers of them cease to exist, no man is at this day bound by any moral obligation to obey any law made by his fathers, but may disobey and resist them all as far as he is able.

After having thus relieved our minds from all moral obligation of obedience to the laws and institutions of our forefathers, the pious author proceeds to establish another fundamental

mental principle of his system of destruction ; and labours it with earnestness proportioned to its consequence and extent. And this is “ the *illuminating and divine principle of the equality of man ;*” not that equality in the sight of the law spoken of in the French Declaration of Rights, but absolute positive equality, received immediately from God, in the *same manner as if posterity had been continued by creation instead of generation ;*—from which it follows as a necessary consequence, that society cannot give or any man possess any right to appropriate to his own use any part of the common benefits of nature, more than his necessities immediately require, so as to exclude from them any other men, who have all an equal right with himself,

Here then is the foundation laid for the great work of *regeneration !*—Here is the rejection of the “ old law ” to make way for the new testament of Thomas Paine ; and when he has proceeded to establish, as he shortly afterwards does, *that we have no constitution ;* it is impossible to be more free than we are to engage with any projector who will undertake to make us a government upon the best and cheapest terms. And here again Thomas is ready with his proposals. He offers not only to pull down, and clear away the rubbish, but to rebuild, all of the best materials, and at the lowest prices, and
upon

upon an entire new plan of his own invention, and here it is.

1. *Man did not enter into society to have fewer rights than he had before. Every civil right has for its foundation some natural right pre-existing in the individual, but to the enjoyment of which his individual power is not in all cases sufficiently complete. Every civil right is a natural right exchanged.*

From whence it follows, that man does not enter into society that his natural appetites and passions should be restrained, but that he may take the arm of society in addition to his own, whenever his powers for their enjoyment are defective in the individual.

2. *The natural rights which he retains are all those in which the power to execute is as perfect in the individual as the right itself.*

But it has been already demonstrated, that according to the "divine principle of the equal rights of man," no man can have a right to possess any thing to the exclusion of others; and that every man has a right by his own force, and the assistance of society, if necessary, to resist such exclusion; and the enjoyment of a beautiful female, or any other of the goods of fortune, being among these natural rights in
Q
which

which the power to execute is as perfect as the right itself; it follows that those acts which have been hitherto injuriously distinguished and unjustly punished under the names of rape, and robbery, and burglary, and assassination, are in reality no more than civil *rights founded on natural rights pre-existing in the individual. Rights which the power produced from the aggregate of natural rights imperfect in power in the individual, (or in plainer terms the power of the state) cannot be applied to invade.*

After having taken this short view of the direct, main doctrines, let us examine the sophisms by which they are collaterally supported.

Mr. Burke has it seems said, "that the people of England will resist the practical assertion of certain rights, with their lives and fortunes." Upon which Thomas observes, "that men should take up arms and spend their lives and fortunes not to maintain their rights, but to maintain that they have *not* rights, is an entirely new species of discovery, and suited to the paradoxical genius of Mr. Burke." Now I would ask this excellent logician, what is to be understood by the *practical assertion* of the rights "to choose new governors, to cashier the old ones, and to frame a new government," but the rising up
in

in force for these purposes? and what there is "strange," or "marvellous," or "paradoxical," in supposing that those who approve the present government and the present governors will resist these changes, and defend the present establishment with their lives and fortunes? But Thomas saw confusedly a sort of antithesis between *rights* and *not rights*, and with the most self-satisfied air of superiority produces this miserable sophism which a school-boy of ten years old would be able to detect.

Page 12, he says, "*the laws of every country must be analogous to some common principle,*"—this, as I do not understand, I cannot deny—"In England, no parent or master, nor all the authority of parliament can bind or control the personal freedom even of an individual beyond the age of twenty-one years," No? what are soldiers, and sailors, and hired servants, and artied clerks, journeymen, &c.? Is not their personal freedom bound and controlled by their officers and masters, under the authority of parliament?

On what ground of right then could the parliament of 1688 bind posterity? This syllogism with its unintelligible major, its false minor, and its consequences bearing but a slight analogy to the premises, is, I think, a perfect model of impertinent logic.

Page 17, we are presented with a maxim *à la Fayette* introduced with great pomp and solemnity—*For a nation to love liberty, it is sufficient that she knows it; and to be free, it is sufficient that she wills it.* In the first of these aphorisms whether the modern Lycurgus means to speak of a practical or a theoretical acquaintance with civil liberty; whether of a love created by the habitual experience of its excellence, or by the attraction of its abstract beauty; of American or French liberty; we are left to discover. If he had said that a government resting on laws, by which personal liberty and property are equally secured to all, and which no man has the power to dispense with or control, is the best foundation for national happiness, he would have repeated an intelligible truth, confirmed by the experience and consent of ages. But this could not have been reduced to the quintessence of a philosophical maxim, nor have hitched into the antithesis which follows—*and to be free, it is sufficient that she wills it.* Nothing can be more vague than the sense of abstract terms when used by confused minds. Supposing the adverse interests and passions of men to be united in one volition, a supposition not very easy to make, civil liberty is an extremely complicated idea, and men must differ from each other widely in their conception of it. National freedom depends upon the action and re-action of a thousand springs.

It

It is not only the result of great wisdom, but of great good fortune; it must be the work of time and experience, and supported by a combination of circumstances, which, from the few free states recorded in the annals of mankind, we must suppose to be extremely rare*. The Americo-gallic commander might just as well have said that "for a nation to be wise it is sufficient that she wills it," as that the mere will to be free, will give a free government. For the rest, Mr. Paine observes very truly, that "these sentences do not finish, like Mr. Burke's periods, with music in the ear and nothing in the heart," for they are as unmusical as they are absurd.

As I love to render justice to all men, I will allow that from page 19 to page 27, he exposes some of the toryisms of the *Reflections* with a good deal of spirit and success in his rough plebeian way; and the contrast between the polished redundancy of the one, and the quaint vulgarity of the other, is not unpleasant.

Page 35, he ridicules Mr. B. for "building a tragic scene" upon "carrying the heads

* Nam cunctas nationes et urbes populus, aut primores, aut singuli regunt: delecta ex his & constituta Reipublicæ forma, laudari facilius quam evenire; vel si evenit, haud diuturna esse potest.

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“ upon spikes about Paris,” and considers the *Reflections* as “ a greater outrage” than the assassinations ; and then justifies these barbarities by the example of the heads upon Temple Bar ! Page 37 and 38 he contends that “ this disposition to cruelty is owing to the distinctions of society.”—“ A vast mass of mankind,” he says, “ are degradedly thrown into the back ground of the human picture to bring forward with greater glare the puppet show of state and aristocracy.”—I wish he had told us how these distinctions in society arise : In such an investigation he must soon have been reduced ultimately to refer them all to the unequal distribution of riches. It is relative *poverty*, occasioned by luxury and commerce, by which men are thrown into the shade of the picture ; and riches, and luxuries, and arts, that glare in the front.

Pages 47, 48, &c. he asks, “ does Mr. Burke mean to deny that man has any rights ? If he does he must mean that there are no such things as any rights any where, and that he has none himself ; for what is there in the world but man.” The sophistry of this question and the rest of the passage depends upon the loose and indefinite usage of the words *man* and *rights*. In a pure state of nature, supposed previous to the formation of society, the rights of every individual must have been
coequal

coequal with his natural powers, and capacities, and wants ; like the rights of the carnivorous to devour the frugivorous animals, and theirs to consume the vegetable world ; rights proved by their teeth and claws, and the conformation of their stomachs ; and after the formation of societies, his rights are determined and ascertained by the laws and institutions of the society in which he is born ; and these social rights, being all relative rights, must always be liable to vary with the circumstances, and cannot therefore be reduced to any positive or immutable principles. As to the author of the *Reflections*, he might and probably would answer for himself that he is satisfied with the civil rights which are secured to him by the laws of the society to which he belongs.

This great political luminary, rising like the sun upon the darkness of past ages, has not only discovered and laid open the eternal principles of legislation, but “ *an eternal source of authority to which we may refer,*” and this s—ADAM—we are now arrived at the origin of man and the origin of his rights.—Oh rare !*—Here our inquiries find a resting place, and our reason finds a home.—The reason of a Plato, or a Montesquieu, or a Locke, or a Bayle, would have felt itself, I believe, but ill

* Pages, 47, 48.

lodged.—*The unity of Man in the creation is the divine origin of the rights of man*—To be sure when there was but one man there could be no inequality of persons.—*The genealogy of Christ is traced to Adam, why not then trace the rights of man to the creation of man?* Now what, in the name of common sense, is there in common between the genealogy of Christ and the rights of man? But to talk to him in his own cant; how does he reconcile the preference given by God to one people over all others—to this illuminating *divine* principle of the equal rights of man?—What does he say to the promise of the Lord to Rebecka, “that two “nations should spring from her womb, one “of which should serve the other,” or to the sale of the right of primogeniture under the divine sanction?—or to the prophetic blessings of the patriarchs; “Let people serve thee, “and nations bow down to thee; be lord over “thy brethren, and let thy mother’s sons “bow down to thee.”—Or to the difference made between the descendants of Ham, &c.—How the Lord came to suffer the world to remain so long in ignorance of this *unity of man in the creation* which he had destined from the beginning to be the source of their natural and civil right as well as of their moral duties?—How it has happened that since the existence of society this principle has never once, that we know of, been applied to the purpose

pose for which it was ordained? and finally why the Lord has hid this *greatest and most advantageous truth* from all his patriarchs and prophets, and inspired writers of the old world to reveal it in this latter day to an American ex-secretary—when he has answered these questions, I have many more to ask*.

“ If,” he says, “ any generation of men
“ ever possessed the right of dictating the

* Sir Robert Filmer makes use of the very same argument from scripture, which Mr. Paine brings to prove the rights of man to equality, and almost in the same words exactly for the contrary purpose; the unity of man in the creation is the ground he takes to establish the divine rights of Kings and the rest of his execrable system of civil slavery.—“ I cannot, (he says) but reverence that form of government which was allowed and made use of for God’s own people.—It were impiety to think that God would not furnish them with the best form of government.—It is a shame for us christians to seek the origin of government from the inventions or pictures of poets, orators, philosophers, and heathen historians, who all lived thousands of years after the creation, and were in a manner ignorant of it, and to neglect the scriptures which have with more authority most particularly given us the true ground and principles of government.”

Preface to “ The Anarchy of a Limited or Mixed Monarchy.”

“ Natural freedom (he says) cannot be supposed, without the denial of the creation of Adam.—It is not possible for the will of man to search out the first grounds or principles of government except he knew that at the creation, one man alone was made, to whom the dominion of all was given.”

Observations touching Forms of Government.

So Doctors differ, and so are the people duped!

R

“ mode

“mode by which the world should be governed for ever, it was the first generation that existed.”—But neither the first generation or any generation since that we have heard of, ever asserted any such senseless claim. Men in society are governed by *moral* necessity, as in a state of nature they are governed by *physical* necessity. Governments are formed or changed according to circumstances and relations for ever fluctuating. Men are bound under the strictest moral obligation to submit to the government under which they live, as long as they enjoy the benefit of it; or as long as it retains the power of enforcing obedience. No two governments ever have been or ever can be exactly alike, nor can any government remain long exactly in the same position. Political bodies have their birth, their infancy, their youth, their manhood, their old age, and their dissolution like natural bodies; and are like them, subject to accident and disease. They are in all degrees of better and worse, and very rarely in the extreme of good or bad. The changing of any mode or system of regulation under which a society actually exist, must (as the author of the Reflections well says, when generally applied) “always be a question of dispositions and of means and probable consequences rather than of positive rights.”

Dr. Price had said, that “under the constitution declared at the Revolution, the people
“ of

“ of England acquired a right to frame a government for themselves,” (for the two other positions, to choose their own governors and to cashier them for misconduct are included in this). This Mr. Paine denies, and it is not for me to reconcile these great authorities to my humble opinion, though they differ with each other they are both mistaken, Mr. Paine in supposing that “ the parliament of 1688 set up or assumed “ any rights of controlling posterity to the end “ of time,” (p. 10, 11.) And the Doctor in not perceiving that the right they maintained was the right to *preserve* and not the right to *destroy*. The right to withdraw their allegiance from the King, to prevent the dissolution of the constitution ; not the right to dissolve the constitution themselves.

Page 51. Thomas complains of “ the vast “ distance to which man, considered as man, is “ thrown back from his maker by the present “ existing governments in all parts of Europe ;” and ridicules, with his wonted happy vein, “ the turnpike gates set up by Mr. Burke “ between man and his Maker.” Unluckily however these turnpike gates are not at all of this gentleman’s setting up, but were all erected long ago by men who, as we have been taught to believe, were immediately inspired by God himself.

Mr. Paine, page 51—"I will quote Mr. Burke's catalogue of barriers that he has set up between man and his Maker. Putting himself in the character of a herald, he says, *"We fear God—we look with awe to kings—with affection to parliaments—with duty to magistrates—with reverence to priests—and with respect to nobility—*Mr. Burke has forgotten to put in chivalry—he has forgotten to put in Peter."

St. Peter says—"Submit yourselves to every ordinance of man for the Lord's sake—Whether it be to the king as supreme, or unto governors as unto them that are sent by him—Honour all men—love the brotherhood—fear God—honour the king—servants be subject to your masters." St. Paul says—"Let every soul be subject to the higher powers.—They that resist shall receive to themselves damnation—render therefore to all their dues—tribute to whom tribute is due, custom to whom custom, honour to whom honour."—It seems to be Thomas and not Mr. Burke that has "forgotten Peter."

"The duty of man," he adds, "is not a wilderness of turnpike-gates through which he is to pass by tickets from one to another." How duty can be a *wilderness of gates* I certainly am not

not prepared to show ; but if the author by this figure means to describe the moral affections and obligations as independant of, and unconnected with each other, his ethics are in my opinion as false as his politics. The moral as well as the political constitution is held together by gradations and dependencies, formed out of their relative and reciprocal nature. These are the soft ties of human society. Abstract duties exist in the hollow brains of philosophers, but not in the practical offices of life. Our subordinations and mutual dependencies are the sources of a thousand of the tenderest and most endearing virtues, and minister to the heart in a thousand lovely forms. If the perfect moral and natural equality and independency of man could be established, this insulated monk, without the power, and consequently without the benevolence of a God, and without the natural affections of a man, would be the most detestable as well as the most miserable of all beings.

Till the reader is warned by repeated disappointments his expectation is constantly excited by some pompous unproductive prelude. Page 56, he says, " To possess ourselves of a clear idea of what government is or ought to be, we must trace it to its origin." Should not one suppose from this opening, that he was going to give us an apalyxis of civil society in its
source

source and progress? Instead of this he contents himself with asserting, *suo periculo*, "that in doing this," (which he leaves us to do for ourselves) "we shall easily discover that all governments must have arisen either *out of* the people or *over* the people;" in which he does nothing more than confound a mode of existence common to all possible governments, good and base, viz. that of being over the people, with the cause and origin of governments; and this he calls, "possessing ourselves of a clear idea of what government is and ought to be."

With the same acuteness and precision he proposes "to define what is meant by a constitution;" and then instead of any thing like a definition, he gives a vague description of the particular kind of constitution which he desires to recommend. But this passage deserves to be examined. It is one of the most curious in the whole work.

Page 56. "*A constitution is not a thing in name only, but in fact.*"—That is, a thing is a thing—*It has not an ideal but a real existence, and wherever it cannot be produced in a VISIBLE FORM there is none at all.*—What does its existence depend merely upon its being written down?—*A constitution is a thing antecedent to government, and a government is only the creature of*

of a constitution—Now all this, so far from amounting to a definition of the subject, I think only shews that our author either does not or will not understand the etymology or signification of the term he pretends to define. A constitution, as the word implies, means any thing constituted of parts, making a whole; as we say the constitution of a borough or the constitution of a horse. When applied particularly to government, it means the aggregate of the laws and institutions and establishments, whether they have ever been collected in a written code or not, by which the country or nation referred to is governed; and it may be good or bad in every possible proportion and degree; and as the constituent parts must exist before the body which they constitute, such a constitution cannot “be antecedent to” the constitutions, and laws, and regulations of which it is composed.

“ *The constitution of a country is not the act of its government, but of the people constituting a government—but to be “a country” or “people” bespeaks some sort of constitution good or bad, already existing, and constitutions have neither been a single act of the government, nor of the people constituting a government, but have been like all other human institutions, subject to change and alteration by circumstances and necessities, and chance in progressive time.*

Because,

Because, as this same author wisely though inconsistently observes in another place, (p. 16.) "the circumstances of the world are continually changing, and the opinions of men change also ; and that which may be thought right and found convenient in one age, may be thought wrong and found inconvenient in another."—*It is the body of elements to which you may refer, and quote article by article.*"—You may call the laws and constitutions of any society the *elements of their constitution* if you please ; and they may and *will be referred to and quoted article by article* as often as is necessary—and *which contains the principles on which the government shall be established, &c.—in fine every thing that relates to the complete organization of a civil government, and the principles on which it shall act and by which it shall be bound.*—Here this writer prescribes a new and untried mode of constituting a government *a priori*, by first inventing an archetype or abstract ideal form, and then bending and forcing all circumstances, lopping the long and stretching the short, to fit this perfect model and measure of excellence ; and then insists appropriating the generic term of constitution exclusively to this particular species ; and because our constitution has grown out of our laws and not our laws out of our constitutions, he very impudently tells us that *we have no constitution at all.* To confirm self-evident truths by proofs, is
not

not easy, they can only be strengthened by a reference to some other self-evident truths of equal force. Descartes says, "I think, therefore, I am." England is governed by known and established law, therefore it has a constitution. All illustration is not an argument, but where the analogy is strong, it is almost as forcible. Would any man think of contending that we have no *language*, because our language was not originally framed according to certain rules of abstract or universal grammar; or seriously advise us to burn all our books, and begin the world again with a new "regenerated" language, because the English tongue contains many idioms and anomalies not reducible to these rules? "Grammar," would he say, "is a thing antecedent to language, and language is only the creature of grammar?" "If the grammar upon which the language was formed cannot be produced, no such thing as a language exists or ever did exist; we have yet a language to form?" Certainly to deny the existence of Westminster Abbey, because it is not constituted according to any of the five orders described by Vitruvius, would be just as reasonable.

Rules for action must be drawn from practice and experiment, and not from the dreams of metaphysicians. As well might an excellent

drama be formed out of the mere unities of Aristotle, as a good government out of the mere equal rights of man. As easily can we cease to have our feelings awakened, and our hearts improved by the works of our divine Shakespeare, because he was ignorant or careless of these laws, as we shall be persuaded to sacrifice the native beauties of our constitution, because they are not deducible from certain useless and impracticable abstract rules. As soon shall we employ Thomas Paine to new model Othello and Macbeth to the metaphysical laws of the French drama, as to new model our government to the metaphysical laws of the French constitution. Such legislation puts us in mind of the philosophical taylor of Laputa, who, to make a suit of clothes only took measure of the thumb,

Page 57, Mr. Paine says in continuation,
*"Mr. Burke will not, I presume, deny the position
 "I have already advanced, namely, that govern-
 "ments arise either out of the people or over the
 "people."*—Mr. Burke will probably neither deny or affirm this position, because he will perceive that it is nonsense. For government must always be *over* the people governed, whatever be its mode or its origin, whether it arise out of conquest or out of common consent: and he concludes with preaching to us in a figure borrowed from one of the darkest myste-
 ries

ries of our faith, the saving doctrine of the new birth as necessary to political as well as religious salvation.—*The country has never REGENERATED itself and is THEREFORE without a constitution**. So that the constitution which Montesquieu cites as above all others *directly tending to political liberty, and establishing liberty by its laws*, and of which he gives an accurate analysis, Thomas Paine assures us *neither does exist or ever did exist, and is still to form*.—It is true, indeed, that Thomas is not a Montesquieu.

Page 58, "he perceives" that "Mr. Burke "could not perceive that there was any such "thing as a constitution," because "he has "not explained what it is in the work he "then published." To argue that a thing does not exist, or that a man does not believe that it exists, because he has not written a book upon it, does not seem perfectly satisfactory. If ever this eloquent and learned writer should publish a dissertation on the British constitution, though it may perhaps be tinged with some prejudices in favour of the monarchical branch,

* To endeavour to prove that a thing does not exist because it has not undergone a change, which implies the necessity of previous existence, is too gross a contradiction to have escaped a mind endowed with common logical powers.

it will not fail to contain much excellent elucidation of the subject. In the mean time let those who are ignorant and desire to be informed what the English constitution is, look into the sixth chapter of the eleventh book of the *Spirit of Laws*.—"There is a nation in the world," says the illustrious author, "the direct object of whose constitution is political liberty. Let us examine the principles upon which it is founded."—And after giving a beautiful analysis of the English constitution; he adds, "whether the English actually enjoy this liberty or not, it is not for me to determine, it is sufficient for me to say that **IT IS ESTABLISHED BY THEIR LAWS**, and I seek no farther." The first and great feature of the English constitution is, that it is a *government by law*, by which all men are equally bound, and which no person whatsoever has any right or power to alter, or suspend, or dispense with; that the person and property of the poorest peasant is as secure from wrong and violence in his humble cottage, "where the wind and the rain may beat in, but the king himself dares not enter," as the prince in his palace; that every one may freely do whatever is not forbidden expressly by the law. This is *the justice* of the constitution. *Its wisdom* consists in having made it the interest of those opposite and contending principles, necessarily arising from inequality of possessions,

possessions, which naturally tend and are usually employed to disturb and overturn government, to unite, to maintain, and preserve it. Wherever the poorer sort have it in their power to sell their liberties they will be liable to be bought by the rich, and the government will be in constant danger of falling under the worst sort of aristocracy; but by having *incorporated* aristocracy in a House of Lords, with fixed and limited powers, they have given them an interest to maintain the mixed constitution such as it is, against a democracy on the one hand, and an arbitrary monarchy on the other: and the people having no share in the government except by a limited number of representatives, are restrained from selling the *fee simple* of their liberties as the Romans did to Julius or Augustus; and the king having constitutional rights and powers coequal with, and independent of both, as a check upon both.

The author of the *Reflections* to signify that the crown of England is not elective, has expressed himself as if the king did or might *despise* the opinion of the people; and this invidious expression gives occasion to our author to vomit forth a monstrous collection of indigested crudities. Not to be outdone in *contempt* for the opinions of the people, he begins by very contemptuously assuring us, that

that “as to who is king in England or elsewhere, or whether there is any king at all, or whether the people chuse a Cherokee chief, or a Hessian hussar for a king, is not a matter that he troubles himself about :” * and then he takes fourteen pages (from 129 to 142) to prove this single position—*That every hereditary establishment must be unjust, because laws made by one generation CANNOT BIND ANY FUTURE GENERATION.*

To have shewn that this principle is absolutely subversive of all laws and institutions and governments in the world, is, I am well aware, so far from an answer to this *establisher of subversion*, it is exactly what his system of destruction seems to prove ; but surely all persons of competent understanding, who are neither wicked nor insane, must perceive the extreme fallacy and confusion of this detestable nonsense. They must have seen that every law once established, and the law of the hereditary succession to the crown amongst the rest, necessarily remains in force till repealed.

* This seems to be imitated from a piece of wit, published some years ago in *The World*, entitled the *Unbeliever's Creed*, in which this is one of the articles—“I believe that matter is God, and that God is matter, and that it is no matter whether there is any God or not.”

by

by the legislature, or resisted by the whole nation ; and even the author of the *Reflections* himself has not disputed, but allowed the full and complete right and power of the legislature to repeal, or the nation to resist. The hereditary succession to the crown has been hitherto considered as liable to fewer objections than any other mode, and does and will remain established till altered by the power of the legislature or the force of the nation, exactly in the same manner with every other law and institution whatever. The logic our author employs on this occasion is worthy of his object. The *Reflections* states, that the crown not being elective, the members of a certain Revolution club consequently can have no vote either collectively or individually in the election. But says Thomas (page 130) " the Revolution Society is composed of citizens of all denominations, and of members of both Houses of Parliament, and consequently if there is not a right to a vote (a vote where and how) in any of these characters, there can be no right to any either in the nation or its parliament." As if their having no vote individually and out of parliament, or collectively as a club, in a case where it is established that there shall be no election, precluded their right in their legislative capacities to alter that very establishment, or any other, whenever they shall see good cause

cause for so doing! "And this," adds Thomas "ought to be a caution to every country "how it imports foreign families to be kings;" which implies, if it implies any thing, that the preservation of the hereditary succession was the consequence and not the cause of the legal establishment of the present royal family!

To prove that "a whole nation may change "its government when it pleases," there was no necessity for producing the high authority of Lord Shelburne; for as neither the ex-minister nor the ex-secretary will probably contend that this right is to be made use of without expediency, the right or power (which is here the same) cannot be denied; and it only remains for these great men to prove the wisdom and expediency of presently exercising it.

In answer to an observation in the *Reflections* that an hereditary crown preserves our hereditary liberties, "*who,*" says Thomas, "*is to take them away?*" Ambitious chiefs of the Senate or leaders of the army, or furious demagogues at the head of a licentious populace,—"*What service does the Crown perform, what is its business, and what are its merits?*"—Its services are to preserve us from being devoured by these beasts of prey, its
business

business to exercise defined and limited powers committed to it for this purpose, and its merits the being perfectly well adapted to the end of its institution.

Hereditary establishments, wherever they are admissible, have the inestimable advantage of hereditary respect. Authority founded on opinion is of all others the most light and gentle. The kind of filial regard which the example of our fathers and our own early impressions have taught us to feel for our hereditary institutions, connects civil and political obedience with the moral and social duties; and society comes to resemble an affectionate and well-regulated family. Great indeed and incurable must the evil be to dissolve all the moral ties by which society is held together; to authorise every order and description of men to renounce, like the prodigal son, the paternal protection of the state, and to say to it "Father give me the portion of goods that falls to me."

The author evinces some dexterity in introducing his nonsense by way of reply to some other supposed nonsense if possible greater than his own. No person of common sense has certainly ever maintained that men could bind their posterity to make no alteration in their laws and institutions, and yet the whole

of his reasoning depends upon the supposition that this is the received opinion of all the friends to the hereditary monarchy, than which nothing can be more absurd and untrue.

Hereditary monarchy has been established because it has been found good ; and it is continued not merely because it has been established, but because we still hold the same opinion of its utility and excellence with our fathers ; and let him, if he pleases, consider our constitution as a *bequest* from our ancestors, this will but add a sort of respectful veneration to our approving reason ; if A builds a house and bequeaths it to B ; B who finds it good and convenient, will not pull it down because he did not build it himself, but will be thankful to be well lodged without trouble or expence.

One of his most specious objections to hereditary institutions is, that wisdom is not hereditary.* With this master argument, after having already presented it in an hundred different

* When we consider by whom *elections* are proposed to be made ; how little the mass of the people are in a condition to appreciate real talents ; and how liable to be deceived even by such pretenders as this author ; we shall be inclined to think wisdom not more *elective* than it is hereditary. *

shapes,

shapes, our author concludes his attack ;
 “ as the exercise of government requires ta-
 “ lents and abilities, and as talents and abilities
 “ cannot have hereditary descent, it is evident
 “ that hereditary succession requires a belief
 “ from man to which his reason cannot sub-
 “ scribe.” But this objection is neither con-
 firmed by experience nor by the consideration of
 the subject. Without agreeing with Helvetius
 that every man born with his natural organs
 complete, is capable of receiving and combining
 an equal number of ideas ; and that difference in
 talents and abilities is therefore wholly owing
 to education ; it must be allowed, that to fit a
 man for any artificial situation, the particular
 knowledge of the art or science he is to exercise,
 which can be only obtained by education, is pre-
 ferable to any uncultivated power of mind how-
 ever great ; the judgment of the simplest artist
 in his own art is better than the unexercised
 opinion of genius itself. In an hereditary body
 consisting of the richer and better sort, the *op-*
timates or *primores*, such as the British House of
 Lords, the best education that the country af-
 fords is sure to be given to the rising expectant
 members, and a majority of them will be nur-
 tured in principles of honour if not of virtue :
 If they are not all men of genius, they are at
 least all men of liberal education ; so that with
 their common chance for natural endowments,
 they have the superior advantage of an edu-

cation preparatory to their future destination ; as well as the greatest interest in the preservation of the republic. And the experience of the fact is conformable to this view of the object. No public assembly has preserved a higher character for wisdom and integrity than the House of Peers ; the judgments of the *Areopagus* to which it was said the gods might have appealed, were not more just and pure than the decision of this high court of dernier resort. I confess I should at this moment entertain a very low opinion of the discernment of that person, who having a fair and honourable cause, would rather take the National Assembly of France for his judges than the English House of Peers,

How far the titles and attributes of the King of England are applicable to the theories of philosophers we will leave to academicians and *beaux esprits* to determine. Let them, if they please, amuse themselves, and us too if they can, with speculative distinctions between the king and the sovereign ;” let them make the nation, the sovereign, and the king, an officer. While his powers and prerogatives are ascertained and acknowledged, under what names or distinctions is perfectly indifferent. The nation may for aught I know be “ *essentially* the source (or fountain if you will) of *sovereignty* and the king be nevertheless the fountain of *honour* ; in this there is no sort of contradiction ;

contradiction ; for it is only to suppose the king to be a reservoir supplied by the great fountain, and every thing may flow on again in its due course to the end of time.

Labitur & labetur in omni volubilis ævo—

For the rest, the English have seen what the French may find out too late, that the more they take from the real force of their executive power, the more they ought to cloath him with all the attributes and distinctions of personal dignity that can create respect and veneration ; to supply the want of coercive powers by the influence of opinion ; and they who have in their hands the real power, should be the first to set the example. Mr. Paine does not see that these marks of reverence and submission have been carefully preserved by our ancestors as necessary substitutes for the real prerogative which they took away ; that when we say we do most humbly and faithfully submit ourselves, heirs, and posterities, for ever ; this is the voluntary submission of freemen to an institution which they have judged necessary to the preservation of a national permanent freedom. When they deprived their kings of the power to do them harm, they wisely and safely entrusted them with power of doing good, because they considered the preservation of the monarchy as essential to the preservation of that constitution which
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from reason and experience they best approved. We therefore love and venerate our limited monarch, because we believe that he preserves us from a ferocious venal democracy, from a cruel haughty aristocracy, and from the unlimited tyranny of a master ; because we trust that he is at this moment possessed of powers to withhold (if it were necessary) the hand of the constitution from committing the desperate act of suicide recommended in this " Rights of Man ;" from sacrificing our religion, and laws, and morals, and customs, and manners upon the altar of I know not what deaf and dumb idol ; from loosening ourselves from every tie of duty, that *we may be stained with our own works, and go a whoring with our own inventions.*

How far the mixture of aristocracy in our public system " has tended to degenerate the " human species," (another of Thomas's cynical objections) let those lovely forms that grace the British court declare, in whom the splendor of royal or noble birth is eclipsed in the superior lustre of personal charms ; whose beauty disdains the assistance of rank to captivate the beholders.

There have always existed in greater or smaller degrees two descriptions of persons alike dangerous and unfriendly to the mixed government of England ; those who desire a republican

lican form, and those who wish to give the King a control over the laws ; and these two parties have at all times been equally opposed by the constitutional whigs, esteeming the constitution such as it is, fully adequate to civil liberty, and the best adapted to the genius of the nation ; and the attachment of these men to the monarchy is strong and uniform, because founded on the opinion of public advantage. As long as the king remains within the limits of the constitution, he is sure of the respect and support of these men ; but they will not go a step farther ; for their attachment is adherence to the constitutional monarch, and not personal devotion to the man. While he is king according to the law, they venerate him as the palladium of their liberties ; if he endeavours to become more, they will not only withdraw their respect and veneration, but their allegiance also ; they will, if necessary, depose the monarch to preserve the monarchy*.

* Though Thomas extols the French constitution for the purpose of destroying ours, he disapproves of both. In the last summer he published in the papers a challenge to the Abbé Syeyes (the member who drew up the French declaration of rights) written in the most violent style, engaging to prove that the monarchy in France ought to be entirely abolished, &c. ; to this challenge the Abbé made a reply in the same papers ; to which I have not heard that our author ever rejoined.

“ Govern-

“Government,” says Mr. Burke, “is a contrivance of human wisdom.” Would any body have conceived this position liable to controversy? But Thomas, with wonderful misapprehension, confounds *government* with the *persons* exercising it—the play, with the actors—the ship, with the pilot—the bellows-blower, with the organ—and then triumphs in his own mistake for three pages together. “Admitting,” says he, “that government is a contrivance of ‘human wisdom, hereditary succession’ can make no part of it, because it is impossible for wisdom to be hereditary.”—But the more wisdom there is in the *contrivance* of government, the less will be necessary for carrying it on. Extraordinary art and knowledge may be requisite to construct an ingenious machine which may be worked by an ass. “If,” he adds, “government be a contrivance of ‘human wisdom, was wisdom at so low an ebb ‘in England that it was become necessary to ‘import it from Holland and from Hanover?’—With a man that cannot nor will not distinguish between the *government* and the *person of the king*, it is impossible to argue; suffice it then to observe, that it was a *man* and not a *government* that was imported; and that the author of the *Reflections* assuredly never meant to call either William or George a contrivance of human wisdom.

The ignorance and confusion with which our good friend endeavours (p. 70) to adopt the abolition of nobility in France to the use of England, I suspect to be in part affected. Though he did not know the meaning of the word *aristocracy* himself, every dictionary would have told him that it signifies simply (as its original sense imports) *the government of the better sort*; a word never used in a bad sense, to express any tyrannical exercise or abuse of power, before M. La Fayette and Paris fish-wives. The Gothic feudal government of France no more resembled an *aristocracy*, than the parliament of Paris did the Roman senate. "The French," cries Thomas, "says there shall be no titles, and of consequence all that class of equivocal generation which in some countries is called aristocracy, and in others nobility, is done away, and the peer is exalted into the man."

I have said before, and I again repeat it, that the territorial jurisdiction and the privileges and immunities of the feudal nobility appear to be wholly inconsistent with that *equality in the sight of the law* without which there can be no civil liberty or free constitution. But what then? It does not therefore follow, that in great rich commercial extensive empires, the *optimates*, the *better sort*, are to be excluded from a fair determined share in the government, such as
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their weight and interest and consequence entitles them to expect and demand*; and which their influence at the long run will always enable them to acquire; or that because a feudal tyranny is to be destroyed, a democratical republic is the only government that can be substituted in its place! Our ancestors judged more wisely; they abolished, not violently and at once, but by degrees, the oppressive parts of the feudal system, and retained the good, for some good this system with all its faults certainly had. The laws of *honour*†, of such universal force binding kings and disgracing princes, which derive their existence from this system, are a great and valuable acquisition to society ‡. To state as our Thomas

* “ There are always in the state persons distinguished by
 “ their birth or riches, or honours; but if they were con-
 “ founded with the rest of the people, if they were reduced
 “ to a single voice, the common liberty would be their
 “ slavery and *they would have no interest to defend it, because*
 “ *the greatest part of the general resolutions would be against*
 “ *them.*”

Esp. des Loix, liv. xi. chap. vi.

† When the author of the *Reflections* speaks of this *un-
 bought grace of life, the cheap defence of nations; the nurse of
 manly sentiments, &c.* Thomas Paine asks with great *naïveté*,
 “ if any body can tell what he means ?” This is perfectly
 in character.

‡ See *Esp. des Loix*, liv. xi. cap. viii.

See also what is said of the feudal government in the
 chapter upon the English constitution, at the end.

does,

does, that the actual nobility of England at all resembles the nobility which has been abolished in France, is utterly false and absurd: they differ *toto cælo*. We have an aristocratical legislative, and judicial senate or assembly, but no feudal body of nobility. They had feudal nobles, but no aristocracy. France was divided into two distinct classes, separated like Dives and Lazarus, by an impassable gulph; but the laws of England acknowledge but one *class* of men; for the two or three hundred persons forming the house of peers is not a *separate class of citizens*, but a legislative judicial senate accorded and subordinate to the law of the land; instituted for the *public utility*; to which all ranks are equally admissible; having by the law some personal privileges, as well as the representatives in the *lower house*, to secure their attendance on their duty in parliament; but no territorial jurisdiction or power in the individual whatever,

Except in the determined number of persons forming according to law the upper house of parliament, all titles are mere matter of courtesy unknown and unacknowledged by the law; so that when we speak of a peer of the realm, or a lord of parliament, we do not, as this man foolishly asserts, "speak of a chimerical nondefcript," (p. 71) "but we do associate with it the idea of office and

“character, just as much as when we speak
 “of a judge or a general.” And this body
 is supplied not exclusively out of patrician
 families as the Roman senate was at first, but
 indifferently from all orders ; and persons of
 the least illustrious extraction are frequently
 raised to the peerage for their knowledge
 in the laws to direct the judicial proceedings;
 or for any other eminent public merit or
 service. As to the old feudal names of Duke
 or Baron, originally military among the Ger-
 mans, and afterwards territorial under the
 Gothic system, they were as good as any
 others to be applied to “*distinctions founded on
 public utility,*” they were ready at hand, and
 had, besides, the advantage of ancient custom
 and popular opinion in their favour ; and to
 the objection, “that they are not to be found
 “in the vocabulary of Adam,” I answer, that
 however forcible this objection may be, this
 author has no right to make it, because it
 is equally strong against the titles of *exciseman*
 and *secretary*, with which we are told he has
 himself been decorated. And the *manners* are
 accordant to the political institutions. The
 lower sort pay very willing respect to persons
 invested by the law with these high legis-
 lative and judicial trusts ; but let the first
 peer in the land insult the humblest me-
 chanic, let him if he dares lift up his hand
 against him, and both law and custom
 puts

puts them instantly upon an equality. The peer may and probably will be chastised by the mechanic first, and afterwards punished by the law for having provoked the chastisement*.

But Messieurs Paine, La Fayette, and Co. see nothing of all this—"In France, (they say) aristocracy had one feature less in its countenance than what it has in some other country—It was not a *corporation of aristocracy*, for so I have heard M. de la Fayette describe an English house of peers."—These great men consider the admission of the better sort to a determined representative share in the government, as a greater evil than all the oppressive jurisdiction and exemptions, and immunities, and personal tyrannies of the feudal system. That such men should think so, or say so, is perhaps nothing extraordinary; but it would be extraordinary indeed if they were to persuade one man of common-sense to be really of this opinion.

* If rank and office have their dignity, worth and talents are no less respected. A *Cooke* or a *Howard*, a *Wedgwood* or a *Bolton*, a *Hunter* or a *Priestly**, will command more consideration and attention than a stupid or profligate lord or privy counsellor.

* The experimental philosopher, not the politician.

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The cause of the expulsion of the nobles temporal and spiritual in France is to be looked for in their justly obnoxious privileges and powers, and their (perhaps consequent) want of personal character ; and not in any natural inclination of the people to abstract philosophical principles of equalization, which they are with difficulty brought to understand. To abolish the *tyrannical powers* and *unjust immunities* of the nobility and clergy was an essential point, a *sine quâ non* to a free constitution under any form ; and these patricians, by making their choice to stand or fall with their arbitrary privileges, and the arbitrary power of the crown, necessitated their own destruction. How utterly inadmissible they were into a free country as *citizens*, their subsequent conduct as *noblemen* has fully evinced. Had they submitted to *equality in the sight of the law*, that law could have protected them in the secure enjoyment of all the natural advantages arising from property and personal weight : could they have been made friendly to the liberties of their country, it would most probably have been deemed wise to give them an interest in their preservation ; but such was their attachment to the hateful principles of arbitrary government, that they preferred becoming the pensioners and dependants of electors and subordinate despots to being the first citizens of one of the first countries in the world : the warmest admirers of
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the happy balance of the British constitution must allow, that such men could with no safety be admitted to a share in a government to every principle of which they were the declared and determined enemies; and their pride and pusillanimity, wanting wisdom to conform and courage to resist; their desertion of their post, as inconsistent with the honour of brave gentlemen as their opposition to a free constitution was to the virtues of citizens, has done more to bring the name and character of a nobleman into discredit than all that has been said against them by all the Thomas Paines that ever have written. To compare the constitutional nobility of England with these little tyrants, to contrast their conduct in the revolutions of their respective countries in 1688 and 1788, is sufficiently to answer those who ignorantly or wickedly endeavour to confound them under any common title or description. In England the principal men of the nation were the projectors of the revolution, the leaders of the people, the asserters of popular claims, the framers and maintainers of the declaration of rights. In France they denied that the people had any rights. In England the nobles and *optimates* are hospitable lords, dispensing plenty and content over their ample domains, beloved and followed by freemen with voluntary natural hereditary attachment. In France they were oppressors,

preffors, cursed, and reluctantly obeyed. In England their powerful influence rests upon reciprocal benefits and mutual good-will. In France they are detested, abjured, and expelled, never more to be restored.

In the same spirit of dulness he goes on to quote and misunderstand the following passage from the *Reflections*: “The rights
“of men in government are their advantages; and these are often in balances
“between differences of good; and in promises sometimes between good and
“evil, and sometimes between evil and
“evil. Political reason is a computing principle; adding — subtracting — multiplying
“—and dividing, morally, and not metaphysically or mathematically, true moral demonstrations.”

This clear passage, which I should have thought it an insult to the understanding of my readers to attempt to explain, obviously means no more than that the best government is that which offers the most advantageous to the community; and that in forming such a government, great wisdom is necessary to compute and balance, and combine the good and evil materials which the legislator is obliged to employ. But this plain undeniable common sense is, it seems, to Thomas Paine “learned jargon,”
which

which however he undertakes to interpret, because he understands jargon; and he takes the meaning of it to be, *that government is governed by no principle whatever; that it can make evil good, or good evil, just as it pleases. In short, that government is arbitrary power.*—If this is not jargon, and not “learned” but ignorant jargon, what is it? —When such a writer sets up for a government-maker, he certainly does well to contend that government shall not be a *contrivance of human wisdom.*

He proceeds to exult over the English government as without “origin” or “authority,” and triumphantly exclaims—“A thousand years hence those who shall live in America or France will look back with contemplative pride on the *origin of their governments*, and say—this was the work of our glorious ancestors.” But let those who think it worth while, ask him in what the origin of the government of France differs from the origin of the government of England?—If of the monarchical part, how Pharamond or Clovis are better than William of Normandy?—If of the popular part, how the deputies of the *tiers etat* in 1789, protested against by the deputies of the other descriptions of the nation, came by a higher authority to form the French Declaration

of Rights than was possessed by the convention of the nation in 1688, with the assent of all orders, to form the English Declaration of Rights? What will be the sentiments of the French or Americans a thousand years hence I don't know; but I know that after a hundred years every Englishman deserving the name does now "look back with contemplative pride" on the re-establishment and ratification of the constitution at the revolution, and pays from his heart the tribute of gratitude to those glorious ancestors by whom it was asserted and maintained. I say nothing of America, because I have not yet heard that a federative republic has been proposed for our imitation.

That a federative republic *founded on commerce*, if it is not at present, must soon become an aristocracy like that of Holland, may be easily foretold. By the royal and dictatorial strain used by Washington at the opening of the Congress, exactly formed upon the model of correspondence between the king and the parliament in England, they seem to be already in possession of a Stadtholder.

"*Rights of Man*" professes to be a commentary upon the French *Declaration of Rights*; but many of the extravagant and absurd doctrines

trines laid down in the commentary, do not result from the text. The *Declaration* is to be taken as *a whole*; determining the deductions, as well as the premises; in which the abstract positions are not to be separated from the practical inferences. Though by taking for their ground the abstract nature and origin of man, of which we can know but little, instead of his passions and affections, and feelings and necessities in society, of which we may know a great deal, the authors of this Declaration may have narrowed and weakened their foundations; yet it must be granted, that the practical positions are for the most part sound and true. All that is real may be safely admitted; all that is theoretical, is at best doubtful and controvertible. To explain my meaning, I will first examine the abstract notions, and then the practical institutions of this celebrated *Declaration of Rights*: and in this examination, I think, it will appear, that all the advantages asserted, as pretended consequences deriving from these abstract rights, we have long been in full possession of under the English government.

1. *Men are born, and always continue, free, and equal in respect of their rights: civil distinctions therefore can be founded only on public utility.*

Theorems, which are to serve for fundamental principles, should be undeniably proved, and consist of terms perfectly defined. Instead of this, we are here presented with a proposition, consisting of two parts, but distantly connected with each other : the first so general as to be almost unintelligible; false if taken in fact, and problematical in theory ; and the second narrowed at once to the consideration of a particular subordinate regulation, which happened at that moment to stand in the way of the pretensions of the deputies of the *tiers etat* to assume the whole powers of government.

Before the truth of the first part can be admitted or denied, it would be necessary to affix some precise idea to the terms of which it is composed. When it is stated, as a *maximum*, that "men are born, and always continue, *free*," we should at least have been informed what is intended by the word *free*. "There is no term," says Montesquieu, "which has received more various significations, or has struck men's minds in so many different manners, as the word *liberty*.*"

Politi-

* This is the rest of the passage :

"Some have taken it for the facility of deposing the persons to whom they had given a tyrannical power ; others,
" for

Political liberty is indeed afterwards defined in this Declaration, to consist of “ *the power of doing whatever does not injure another, as limited by the law.*” But this sort of liberty, growing out of the established law, and bespeaking therefore the pre-existence of legal government, cannot be the same with the natural and original freedom of man, here declared to be one of his

“ for the facility of electing those whom they are to obey ;
 “ others, for the right to be armed, and the power of exercising violence ; some for the privilege of being governed
 “ by a person of their own nation, or by their own laws. A
 “ certain people, for a long time, took liberty, for the custom
 “ of wearing a long beard. Some have attached this name
 “ to one form of government, and have excluded from it all
 “ others. Those who have a taste for republican government, have placed it in that government ; those who have
 “ enjoyed a monarchical government, have given it to a monarchy. In short, each have bestowed the appellation of
 “ *liberty* on the government most conformable to their customs, and their inclinations ; and as in a republic men
 “ have not always before their eyes, and in so pressing a manner, the instruments of the evils of which they complain,
 “ as the laws appear to speak more, and the executors of the
 “ law appear to speak less ; it is common to place it in republics, and to exclude it from monarchies. And as in
 “ democracies the people appear to do pretty near what they
 “ will, liberty has been considered as belonging peculiarly
 “ to that sort of government, because the *power* of the people
 “ has been confounded with the *liberty* of the people.”

E. d. L. l. xi. c. i.

“ *sacred*

"*sacred unalienable imprescriptible rights**," previous to the establishment of all government. "*The principle which is to direct the claims of the citizen,*" must be a different thing from the result of the laws formed in consequence of these claims. When *liberty* is declared in one place, to be "*a natural imprescriptible right of man ;*" and in another, to be "*a power limited by law ;*" two different sorts of liberty must be meant ; and the distinction not being marked, there is a confusion of *natural* liberty with *civil* liberty. To make the same thing the origin and principle of law, and the result and consequence of the laws, is a vicious circle. So that when it is asserted, speaking of Frenchmen or Europeans, that *men are born, and always continue free, and equal in respect of rights*, the liberty spoken of is not *natural* liberty, because under every government natural liberty must have been already given in exchange for the benefits of society ; and it is not *civil* liberty, because civil liberty, depending upon the laws, cannot exist before the laws—What liberty then is it ?

The *equality* of the rights of man is subject to the same difficulties. If this equality is

* See the preamble to the Declaration.

asserted

asserted to be a natural right, *previous to the institution of society*, the contrary assertion is still more probable ; for in a pure state of nature, right and power seem to be perfectly equivalent terms ; producing a system of inequality rather than of equality* ; *and in society*, (as is immediately afterwards stated in this very proposition) civil distinctions must be founded, not on natural rights, but on “ *public utility*.”

The second part of this grand political problem, this corner stone of the immense edifice of universal government, is nothing, either in substance or authority, but the declaration of a particular body of men, in regard to a partial regulation upon which their own authority happened at that moment to depend. As a general position, the term should obviously have been *civil institutions*, comprehending every kind of civil establishment as well as that of personal *distinctions* ; but then it could not have served the particular turn for which it was fabricated. Before the deputies from the *Tiers Etat* to the States General could pretend to any right to declare their body to be the only representatives of the nation, it was necessary to vote away the

* Among the gregarious or domesticated animals there is no equality—The strongest stag is master of the rut ; and the stoutest cock, lord of the dunghill,

civil distinctions upon which the claims of the other branches of the States were founded. So that we have here a part of an assembly, deputed by a part of the nation, founding its authority upon its own declaration, and giving itself universal dominion by its own vote. It first declares that all civil distinctions can only be founded on public utility, and then assumes to itself (the highest of all *distinctions*) the exclusive right of declaring in what public utility consists; and as might easily be foreseen, resolving that it consists in placing the whole powers of the state in their own hands—And this declaration, dictated by personal interest, and directed to a partial purpose, is proposed to us as a universal principle “of divine origin;” “of more value to the world than all the laws and statutes that have yet been promulgated.”

II. *The end of all political associations, is, the preservation of the natural and imprescriptible rights of man; and these rights are liberty, property, security, and resistance of oppression.*

This theorem is as obscure and indefinite and disputable as the last. It is at least as probable to say—that the end of all political association is the happiness and well-being of men in society; and that liberty, property, &c. are

are to be preserved as far as they contribute to the general happiness. Besides the terms *liberty*, *property*, *security*, are capable of a variety of significations.

Liberty is one of the *means* of happiness, but not happiness itself. It is only good as it gives the power of enjoying the good which we possess; where there is nothing to enjoy, it is useless; where it can only be employed in doing evil to ourselves or others, it is pernicious. A man cast away upon a barren rock would willingly exchange his liberty for confinement in the King's Bench prison; and to shut up an idiot or a madman, is an act of humanity. Civil liberty therefore consists as much in the restraint as in the exercise of natural liberty; and must be considered as secondary to happiness; and made subordinate to all laws and institutions for the good of the whole; lest by sacrificing every thing else to its preservation, it should become nothing but the permission to be miserable. "Liberty," says Rousseau, "must always follow the fate of the laws; it must reign or perish with them."

How exclusive *property* derives from the natural rights of man, I think it would be more than difficult to shew.

Security is also here a very vague term. Security from external enemies depends upon the relative strength and courage of the nation: security upon each other, upon good morals and strong laws powerfully enforced. "It is the *strength* of the state," says Rousseau, "which makes the security of its members."

And to call *resistance of oppression* one of "the ends of political association," seems little less than nonsense. In civil society the natural right of resisting particular oppression is transferred from the individual to the laws; and for the government to presuppose in itself an intention to oppress the people, and to establish a right and power to resist its own decrees, seems quite absurd.

III. *The nation is essentially the source of all society, nor can any individual or any body of men be entitled to any authority which is not expressly derived from it.*

We are somewhere told, that Philip the Second's fool said to him, "If all your subjects were to take it into their heads to say no, every time you say yes, and yes, every time you say no, where would be then Philip?" If this sort of consent is here alluded,

alluded, certainly no law, or power, or sovereignty can exist any where without it; but if an *expressed* assent is intended, the assertion is subject to infinite difficulty. Is it asserted of *what is*, or of *what ought to be*? What is meant by the *nation*? Every individual collectively, or a majority of them only? If the former, how is the opinion of each to be collected so as to form a general opinion? If the latter, how is the majority to be ascertained? It is a majority of one voice, for instance, to give half the nation a power to control the other half? These are not mere substitutes, but essential to understanding what is here meant to be established. And this position after all, understand it how you will, amounts to no more than that a *democracy* is the only legitimate form of government; a point that ever has been and ever will be subject to eternal dispute, which assuredly neither the French *Abbé* nor the American Ex-secretary are commissioned to determine. In the mean time individuals and bodies of men will every where remain intitled to all the authority given to them *by the laws for the public utility*, as long as they receive the obedience, which is

* See what is said very ingeniously on the artificial rights of a majority in the *Appeal*, p. 125, &c.

the tacit consent of the people, whatever is the form, or may have been the beginning or original source of government.

IV. *Political liberty consists in the power of doing whatever does not injure another. The exercise of the natural rights of every man has no other limit than those which are necessary to secure to every other man the free exercise of these RIGHTS ; and these limits are determinable only by the law.*

V. *The law ought to prohibit only actions hurtful to society. What is not prohibited by law should not be hindered, nor should any one be compelled to that which the law does not require.*

These two articles taken together are reducible to a short form—*That good government consists in just and equitable laws ; and political liberty, in the power of doing whatever is not prohibited by the laws.*—Q. E. D.

But the good *Abbé*, by introducing *natural rights*, and confounding them with *civil liberty*—the principles of government with the operations of the law—has contrived to render these plain truths involved and obscure.

VI. *The law is an expression of the will of the community. All citizens have a right to concur either personally or by their representatives on its formation. It should be the same to all, whether it protects or punishes : and all, being equal in its sight, are equally eligible to all honours, places, and employments, according to their different abilities, without any other distinction than that created by their virtues and talents.*

The definition of the law contained in the beginning of this article is at best vague and incomplete. A complete definition is exclusively applicable to the thing defined, and to nothing else ; but every *expression of the will of the community*, is certainly not a law : there may be an *expression of the will of the community* for war, or for peace ; for the removal of a minister, or for the reform of any particular abuse ; and though the *expression of the will of the community*, when strong and general, will and ought to be effectual for these purposes, this *expression of the will of the community* does not constitute and cannot be called a law. And this definition fails, not only in the want of general application, but in the want of general truth ; for except in a simple democracy, the law never is or can be *the expression of the will of the whole community* ; but the expressions of the wills of that part of the community
delegated

delegated or otherwise appointed for the purpose of framing laws,

A law may perhaps be defined to be “ a general, promulgated regulation, for the benefit of the community ; enforced by the powers of the laws ;” and *the law* to be “ the aggregate sense of all these regulations :” and the assent of the people to the laws is proved by their obedience to them.

The same confusion of the right of making laws, with the power of executing them, and with the justice of their principle, is continued through this article. Let us endeavour to disentangle them.

The established and existing law, whatever may have been its origin, is only an *expression of the will of the whole community*, as it is assented to by tacit acquiescence ; otherwise it would be necessary for every successive member of the community to express his formal consent to each of them respectively.

When it is said that “ all *citizens* have a right to concur either *personally* or by their *representatives* in the formation of every law,” two modes of legislation, varying most essentially from each other, are proposed as equivalent,

lent, and of indifferent choice. According to the principle here laid down, the right of choosing whether he will legislate in his own person or by deputy, must always continue personally to reside in each individual citizen. The will of each and every one must therefore be clearly and expressly announced before, in this view, any body of delegates can be considered as a complete representation of all, and competent to dispose of the general volition. Nay more, these citizens may resume the power of legislating personally whenever they please, or separate themselves into several communities, each legislating in its own manner, if they cannot agree upon any common mode; so that according to this principle no fixed or permanent government can ever be established*; and the word *citizen* is employed to signify a member of the community, before the formation of its constitution, or form of government; whereas the sense of the word depends upon its relation to some previous established order of things; and has therefore

* Upon the 22d of December, 1791, on the king's rejection of the decree against the non-juring ecclesiastics, a member of the National Assembly actually moved to propose the decree to be sanctioned by the electors of the eighty-three departments! and the municipality of Mayenne executed the decree, notwithstanding it did not pass into a law!

never been the same in any two governments that have existed.

That *the law should be the same to all*, is self-evident; for a rule that does not bind the whole community, is not a *law*, but a partial regulation. The arbitrary decree of a tyrant, is a commandment, and not a law.

That *rewards and punishments ought to be equally dispensed*, is also obvious; because they are dispensed by the law. But though *all men are equal in the sight of the law*, it does not therefore follow, that *all men are equally eligible to all honours, places, and employments*; because these, not being amongst the natural rights retained under the new sanction of society, no man has any claim upon them in right of his *abilities, or virtues, or talents*—because they are seldom calculated as *rewards*—because they are not conferred by the *laws*, but by the persons executing the government under the laws; and because, according to the very principles laid down here, *distinctions* are exceptions from the natural equality of man, to which no man can claim any right, and which can therefore *be only founded on public utility*; and being created by society for its convenience and advantage only, are to be given in the way most likely to contribute to the end for which they

they were instituted, without regard to any other consideration*.

VII. *No man should be accused, arrested, or held in confinement, except in cases determined by the law, and according to the form which it has prescribed, (copied from our great charter.) All who promote, solicit, or execute, or cause to be executed, arbitrary orders, ought to be punished; and every citizen called upon or apprehended according to the law ought immediately to obey and renders himself culpable by resistance. That is, translated into common language, the laws ought to be obeyed, and those who resist the laws ought to be punished.—Q.E.D.*

* D'Alembert gives a good reason why distinctions must be given to birth and fortune rather than to talents.

“ Les hommes ne pouvant être égaux, il est nécessaire
 “ pour que la différence entre les uns et les autres soit assurée
 “ & paisible, qu'elle soit appuyée sur des avantages qui ne
 “ puissent être ni disputés ni niés : or c'est ce qu'on trouve
 “ dans la naissance & dans la fortune.”

Essai sur les Gens de Lettres.

In another place he adds, “ Quand l'auteur (Montesquieu)
 “ parle de l'égalité dans les démocraties il n'entend pas une
 “ égalité extrême, absolue, & par conséquent chimérique ;
 “ il entend cet heureux équilibre qui rend tous les citoyens
 “ également soumis aux lois et également intéressés à les
 “ observer.”

Analyse de l'Esprit des Loix.

VIII. *The law ought to impose no other penalties but such as are absolutely and evidently necessary ; and no one ought to be punished but in virtue of a law promulgated before the offence, and legally applied.*

The first part of this article prescribes a just and humane regulation of penal laws ; the second may admit of a doubt*.

IX. *Every man being presumed innocent till he has been convicted, whenever his detention becomes indispensable, all rigour to him, more than is necessary to secure his person, ought to be provided against by law.*

It were well if this article were engraved upon the walls of every legislative assembly-room, and every court of criminal judicature in the world.

X. *No man ought to be molested on account of his opinions, not even on account of his religious opinions, provided his avowal of them does not disturb the public order established by law.*

Dictated by reason and common sense.

* “ L’usage des peuples les plus libres qui aient jamais été
 “ sur la terre me fait croire qu’il y a des cas où il faut mettre
 “ pour un moment un voile sur la liberté comme l’on cache
 “ les statues des dieux.”

Esp. des Loix. l. xii. c. xix. sur les bills appellés d’attaindre.

XI. *The*

XI. *The unrestrained communication of thoughts and opinions being one of the most precious rights of man, every citizen may speak, write, and publish freely, provided he is responsible for the abuse of this liberty in cases determined by the law.*

Equally reasonable and true.

XII. *A public force being necessary to give security to the rights of men and of citizens, that force is instituted for the benefit of the community, and not for the particular benefit of the person with whom it is entrusted.*

A truth.

XIII. *A common contribution being necessary for the support of the public force, and for defraying the other expences of government, it ought to be divided equally among the members of the community according to their abilities.*

Another truth.

XIV. *Every citizen has a right, either by himself or his representative, to a free voice in determining the necessity of public contributions, the appropriation of them, and their amount, mode of assessment and duration.*

The right of the people, by themselves or their representatives, in every free government,

to propose and assent to taxes, or in other words to tax themselves, seems to be consequent upon one of the fundamental principles of all civil society—*security of property*. Society having originally guaranteed to every man this property, cannot afterwards touch it without his consent; and taxes being nothing more than a general contribution for the public advantage, the people have a right to judge for themselves, whether the benefit proposed be equal to the tax proposed, and to make the purchase or not as they see fit. And this is a right of which the people ought to be above all others tenacious; for a nation that submits to be taxed at the will of persons benefited by the tax, and not paying the tax, hold their liberty * on a very precarious foundation.

XV. Every community has a right to demand of all its agents an account of their conduct.

This position is too vague and general to convey any practical or precise idea. What is ~~meant~~ by a *community*? the whole nation? or any particular body of men incorporated under the law? Does it mean that the people have a right to call their representatives to account; or

* Nothing has ever appeared to me more just than the cause of resistance in America.

that

that the legislative power possesses this right over the executive power; or does it mean no more than that all public officers ought to be amenable to the laws for misconduct?

XVI. *Every community in which a separation of powers and a security of rights is not provided for, wants a constitution.*

As every constitution consists in *the distribution of the different powers*, and in *the laws giving and securing rights*; the general truth of this position cannot be denied; but this *separation of powers* ought surely to have been farther explained: a popular *declaration of rights* ought to be intelligible to all, and very few I believe will understand what is meant by a *separation of powers*. "All is lost," says Montesquieu, "if the same man, or the same body of the principal men or nobles, or of the people, exercise the three powers, that of making laws—that of executing the public resolutions—and that of judging the crimes and differences of particulars." Were the framers of this declaration afraid to explain themselves on this important subject?

If a *separation of powers* is so essential to the *existence of a constitution*, why was not the principle of this separation laid down among these fundamental positions? Are we not led to suspect

suspect from this silence, that the National Assembly meant to come to this separation as late and as little as might be found possible? Would to God the executive and judicial powers daily exercised by the legislative assembly did not give too much force to this suspicion*.

XVII. *The right to property being inviolable and sacred no one ought to be deprived of it, except in cases of evident public necessity, legally ascertained, and on condition of a previous just indemnity.*

This article so far from being evidently true as a general position, or consequent upon what has gone before, has, I think, a suspicious aspect. *If the right to property is inviolable and sacred*, by what sort of legality is that public necessity to be ascertained by which its inviolability and sacred character at once ceases; or to whom is the right to be intrusted to suspend or take away rights that are declared inviolable and sacred? I know that in free governments the legislature sometimes obliges individuals to sell some small parts of their property to procure some great public convenience, but I confess I have always considered the exercise of this

* In December 1791, one Le Tailleur had his house violated, and his person and papers seized by an order from a committee of the National Assembly.

power rather justified by the smallness of the injury, than by any principle of justice. The principle laid down in this article is besides evidently in contradiction with that of Article XIV.

I think I have shewn, that in this *Declaration of Rights* the abstract philosophical principles are all at best problematical and obscure ; but the danger of their uncertainty is for the most part obviated by the practical application of them—the *real* claims. And there is not one of these real claims which every Englishman will not instantly recognise as his constitutional right *inherited from his fathers, and settled upon his children—that all men should be equally bound by the law—that every man should have the power of doing every thing which the law does not prohibit—that no man should be imprisoned or otherwise molested but as the law prescribes—religious toleration—liberty of the press—that taxes should be equally laid—and laid by the representatives of the people—that the agents or ministers of the government should be amenable to public impeachment—the inviolability of private property—are all the long-established rights of Englishmen.*

The foundations of our constitution are deep and strong : they are laid in education and habit, in manners and religion, in custom and
opinion

opinion ; they are farther strengthened by our sentiments and affection, by respect and veneration, by filial piety and parental regard, by patriot pride, and public honour, and national glory. The British constitution, like her native oak, the symbol and the instrument of her naval pre-eminence, strikes its roots as deep into the earth as it extends its branches towards heaven. The storms of faction or the blasts of arbitrary power may agitate its head, but cannot disturb its basis. After contending with a world in arms, it still flourishes in full vigour and beauty ; and will remain to give shelter to generations yet unborn*.

The foundation of the new government in France is, I fear, neither so deeply laid, nor constructed of such solid and durable materials. By fixing their constitution upon disputable abstract notions, such as the *natural and original equality or unity of man*, they seem not only to have taken fandy and fluctuating ground, but to have laid their foundations as it were above-ground ; open to every injury, and exposed to every attack. In societies, such as they are, and must ever be,

* ——— quæ quantum vertice in auras
Ætherias, tantum radice in Tartara tendit ;
Ergo non hiemes illam, non flabra neque imbres
Convellunt ; immota manet ; multosque perannos
Multa virum volvens durando secula vincit———

where commerce and the arts, and the consequent inequalities of fortunes and conditions exist, the practice will remain at perpetual variance with these principles ; which cannot therefore by any mellowness of time be brought to mix or assimilate with the common feelings and opinions of men. Instead of uniting the existing forces in one *focus*, they are placed in eternal opposition and contention with each other. It is made the permanent interest of the powerful to destroy ; and of the rich to corrupt ; and consequently of the people to remain in a perpetual state of warfare*.

The

* The following melancholy picture of the actual state of this *regenerated* nation was exhibited at the *Jacobin* club on the 18th of December, 1791, by Mr. Rhœderer, one of the principal managers of the Revolution, and a leading orator in the constitutive assembly——

“ We have not peace ; and yet we have not began the war.”

“ We are at war ; for the rebels without are in arms,
“ are organised in legions ; for they have declared chiefs ;
“ for these chiefs have published manifestoes.”

“ We are at war ; for Frenchmen are vexed and insulted
“ in all the neighbouring nations.”

“ We are at war ; for what are our revolted priests, what
“ are our antipatriot clubs, but disguised sections of the
“ army at Coblenz ?”

A :

“ We

The only government we read of, which took the natural equality of man for its basis, is the republic of Sparta; and there the equality was not abstract and nominal, but real and effective

“ We are at war; not indeed at open war, and why? because we are undermined, because we are insulted, because we are outraged, with the same impunity as if we were already conquered; because to treat us as vanquished it is unnecessary to be at the risk or trouble to vanquish us.”

“ What is the peculiar characteristic of this war? Is it simply a foreign war? a war of king against king, or even of people against people? No; it is a war of man against man, of Frenchman against Frenchman, of brother against brother, combined with a war of prince against nation. It is a civil war combined with a foreign war.”

“ It is a war of nobility against equality, of privilege against the common condition, of all the vices against public and private morals, of every sort of tyranny against every sort of liberty and security.”

“ The most dangerous party of our enemies are in the very midst of us; they are masked and disguised. The patriot may easily distinguish them by certain signs and tokens which betray the aristocratist, but the law confounds them; and the constitution of which they are the enemies assures to them all the liberties established for citizens; the liberty to write, to speak, to go and come; the liberty of religious worship; all the liberties which the constitution guarantees to all those who engage under it, are shared by those who abhor the constitution, and made use of by them against it; our enemies find in the constitution

effectual. Lycurgus saw that the *equality of man* could not consist with inequality of possessions. He therefore vested all property in the community, abolishing exclusive property in individuals; and to prevent all possibility of acquiring personal riches, he forbade the use of silver and gold, and the introduction of commerce and the fine arts. All men received a common education at the public expence; were clothed alike at the public charge; and served with the same food at public tables; and the importation of philosophers was strictly prohibited.

To keep in view and give constant action to that sentiment which was wholly to convert the man into the citizen, a general public discipline, and a very severe one too, was instituted;

“tution itself their arms against the constitution. The constitution is the arsenal of the counter-Revolution.”

“This, Gentleman, you perceive is an absurd and destructive order of things; but as long as what is called peace continues, so long must this evil endure in activity.”

When a mathematician after working his diagram, finds the produce to be an absurdity, he returns back from whence he set out, certain that there is an error somewhere. If the Revolution has generated an *absurd and destructive order of things, only to be cured by war*; does not Mr. Rhoderer begin to suspect that there has been want of wisdom in its direction and conduct?

and every citizen of man's estate was equally charged with the care of the legislative government, which he was not allowed to delegate the use of to another, but actually executed in his own person ; and he was not only eligible to all public offices and employments, but bound to execute them. Here the principle and the practice were in perfect unison. And what was the immediate and necessary consequence of this extreme and forced equality ? The most horrible and abominable of all inequalities among men. These free and equal citizens were not ashamed to have their ordinary wants administered to by SLAVES. The *Helots*, nearly twice as numerous as the citizens, were the most abject of slaves ; and the cruel indignity with which they were treated became proverbial over all Greece.

If civil equality could not be established in an order of things where every thing was sacrificed to it, without despoiling another race of people of their humanity ; if to prevent the distinctions of high and low it became necessary to institute the distinctions of master and slave ; how can the equality of man in society be made the principle of a government, admitting the most essential and operative of all inequalities, the inequality of fortunes and possessions ? In such a government the principle and the practice must remain a perpetual existing contradiction.

tion. Wherever there is a right of exclusive property, where it is allowable to accumulate the established signs of traffic, where commerce and the imitative and ornamental arts are cultivated, men must be divided into rich and poor; the original and inexhaustible sources from which all other civil distinctions spontaneously and necessarily flow.

Rousseau has very truly observed, that to enrich one man many must be impoverished; so that the number of the relative poor will always much exceed that of the rich; now if ever the principles laid down in the "Declaration of the Rights of Man and of Citizens," should come to be understood in the sense and to the extent given to it in Thomas^d Paine's pamphlet, that moment will this *natural majority of the nation* be authorised to assemble in a body, and to address their "national constitutive assembly," or their "national legislative assembly," or any other assembly of their delegates, in the following language.—"You have told us that *all men are born equal and always continue equal in respect of their rights—that the equal rights of man are imprescriptible and divine*. But when you tell us that our rights are equal, without giving us the benefits and advantages naturally resulting from equality of rights, you are either ignorant or weak, or cowardly, or insincere. If we have a right to equality, give it
us;

us ; if we have not, do not mock us with vain claims which you cannot or will not realize. This is adding insult to injustice. Upon your own principles what right have any among you to arrogate to yourselves an unequal share of the good things of the world ? Every time you drive to this assembly in a warm easy carriage, while the man behind is drenched with the rain or benumbed with the cold, you are guilty of a gross and palpable violation of the *equal rights of man* ; and whenever you sit down to a luxurious and superabundant table, while a neighbouring family are in want of a decent and sufficient meal, your constitution suffers a temporary suspension. You have abolished personal distinctions which were nothing, and have left untouched the real and effectual distinctions of poor and rich, from which all the rest are ultimately derived and supported. How dare you under the pretence of "*the equal rights of man*" make laws and issue decrees to maintain the most flagrant and grievous of all inequalities ? If men are born equal and derive their equal rights immediately from God, by what sort of impious right does any man lay claim to an unequal share of the common benefits given by the common father equally to all his children ? What right has any man to plant a hedge or build a wall to exclude another from the general gifts of nature ? You have acknowledged our equal rights, and have

have left us with all the wants and distresses and hardships belonging to the worst degree of inequality. If the goods of the world were before unequally distributed, at least they existed in the country, and a portion of them might be obtained by industry and ingenuity; but instead of equalizing the possession, you have only lessened the quantity; you have impoverished the rich without any benefit to the poor; instead of bettering our general condition you have made it worse; instead of feeding us with real beef and porter, you would satisfy our necessities with a mouthful of moonshine. By what sort of consent your pretended delegation was at first established; by what authority we were ever obliged to delegate our right of legislating for ourselves to any man or number of men, instead of exercising it in our own person we will not now inquire. You will not, to be sure, deny the right we have to supersede our delegation and legislate for ourselves whenever we please*; and we claim the instant exercise of it; return to your families and

* I here invite Mr. Paine to solve a question upon which the legality of the present constitution in France fundamentally depends.

After having declared, (Declar. of the Rights of Man, article VI.) "That the law is the expression of the general
" will,

and occupations; we dismiss you from our service; we will at this moment legislate for ourselves. If the principle of our new constitution is to be productive of any good, it is high time that we should begin to enjoy the fruits of it; if our rights are equal, so shall be our possessions. We will make an equal, which is the only equitable, distribution of all things, and then we may perhaps delegate some of you again to superintend the execution of our decree; for little legislation will be necessary when all things are in common.

Here is the *nation in its original character*, not *delegated but met, to constitute for itself*; guided by no rule but the *illuminating divine principle of the equal rights of man*; and claiming by just reason a full and perfect right to all that can be made to result from this great and prolific principle. If there is any thing in the world clear; it is that these men would argue consequently, and wisely too, upon the premises laid down in *Rights of Man*. If the principle

“ will, and that all citizens have a right to concur *personally* or *by their representatives* in its formation.”—What right had an assembly, delegated according to ancient and abusive forms, to decide, as it does (Constitut. title III. art. I.) “ That the nation, from whom alone emanates all the powers, *can only exercise them by delegation.*”

be

be true, let its natural and legitimate offspring be acknowledged and supported.

The republican landed and monied gentry of the north of Ireland, have, it is said, circulated 20,000 *Rights of Man* at twopence a-piece. I recommend to their attention the following short address, which they may, if they please, dispense at a farthing.

“ To all Servants, Labourers, Handicrafts-men,
“ and Manufacturers.

“ Now or never, my boys !

“ You must know, my honest friends, that
“ your masters and landlords have found out
“ that the king, and the lords and bishops,
“ and parliament men, ought to be all put
“ down, because, as we are told in the holy
“ scriptures, God has made all men alike ; and
“ this is very true ; for is not one man made of
“ just the same flesh and blood as another ? Are
“ not your masters and landlords as good men
“ as lords ? and are not you as good men as
“ either of them ? To be sure you are.

“ I hope all of you have read a new book,
“ called *Rights of Man*, or else got somebody
“ to read it to you. This book shews as clear
“ as the sun at noon day, that all men ought to
a b “ be

“ be equal now, the same as God made them at
 “ first ; and that kings and bishops, and lords
 “ and gentlemen, are all downright inventions
 “ of the devil. Now, my boys, God certainly
 “ no more made landlords and masters than he
 “ did lords and gentlemen ; and for my part I
 “ believe the devil had a greater hand in these
 “ than in the others, when I think how many
 “ hard landlords and bad masters there are in
 “ the world. When God had made the world
 “ he gave the fruits of the earth alike to all,
 “ but the land to nobody ; and if so, is it not
 “ a very hard case when any of you has planted
 “ an acre of potatoes with the labour of his
 “ hands and the sweat of his brow, that he dares
 “ not dig one of them to save himself and his
 “ family from starving ? To be sure it is, and
 “ a very wicked thing too.”

“ This book also shews as plainly as can be,
 “ that you have no need to mind the laws, be-
 “ cause they were made by men who are dead
 “ and gone ; and you know very well that the
 “ dead have no business at all to govern the
 “ living.

“ And then it proves that any greater num-
 “ ber of people may make any laws they
 “ please for the rest ; and you are to be sure
 “ thirty or forty to one against the gentlefolks ;
 “ and so may make whatever laws you like.

“ Now

“ Now when God has made one man just as
 “ good as another, are not you ashamed of
 “ yourselves to be servants to your equals?
 “ To stand behind a man’s back not a bit bet-
 “ ter than yourselves, while he rests his lazy
 “ a— in an easy chair? If you are not ashamed
 “ of this I am sure you ought to be ashamed of
 “ it, and to put an end to it too,

“ And you, day-labourers, are not you
 “ damned fools to work your guts out for poor
 “ pitiful eight-pence or ten-pence a day, hardly
 “ enough for the tobacco and whisky, all the
 “ while that the farmer (who would starve you
 “ all if he could get a penny by it) makes per-
 “ haps two shillings or half a crown clear pro-
 “ fit, and the idle rascal of a landlord may be
 “ five or six more, all out of your work? To
 “ be sure you are.

“ Why now in this linen trade, there’s many
 “ a master keeps mayhap forty or fifty men at
 “ work at lousy ten-pence a day, while he is
 “ getting as rich as a Jew by your labour; and
 “ ten to one the fellow does not know how to
 “ set a loom or handle a shuttle so well as the
 “ worst workman amongst you. Is not this a
 “ great shame? To be sure it is.

“ Now, my brave boys, what you have to
 “ do is quite easy. You must begin by help-

"ing your masters and landlords to pull down
 "king and lords, and bishops, and every body
 "above them; and then you must pull them
 "down too. For to be sure if all men are
 "equal there ought to be no such things as
 "landlords or masters in the world: and in
 "the mean time you are no better than asses
 "if you don't bring them all to an account
 "every Saturday night, and make them di-
 "vide all the profits fairly and equally amongst
 "you all.

"If you should be fools enough to help
 "your masters to pull down those above them,
 "without pulling them down too, let me tell
 "you will be a great deal worse off than
 "ever, because your masters will then have all
 "the power in their own hands, and may use
 "you just as they please; and I believe you
 "know pretty well how that would be. The
 "best of them would make you do a deal of
 "work for a little pay; and many of them
 "would use you as bad as the blacks in Ame-
 "rica, if they durst."

Whether from timidity or prudence the au-
 thor of "Rights of Man" has not carried his
 principles to their fair extent. He has left un-
 touched a thousand rights necessarily flowing
 from the imprescriptible and unalienable equal-
 ity of man in society. The right to *eat*, for
 example, is at least as natural and imprescripti-
 ble

ble as the right to legislate; it is somewhat more necessary, and of as ancient and divine original; and when dressed out in a philosophical uniform, makes, in my opinion, just as good a figure. Man is an organized entity whose vitality consists in the action and reaction of solid and fluid parts according to the laws of animal motion, which require to be frequently supplied and renewed by the addition of elements taken into the mouth, masticated by the teeth, ingurgitated by the gullet, received into the stomach; and there by trituration, fermentation, and the rest of the chemico-mechanical process of digestion, prepared and assimilated for the purpose of continuing animality; and without which by the natural and imprescriptible laws of animation life must cease; the rights therefore to *eat* is "one of those natural rights which appertain to man in right of his existence;" "one of those which he must retain in society, because the power to execute is as perfect in the individual as the right itself. It is also as ancient and of as divine original as that greatest of all truths the unity or equality of man," and certainly as "advantageous to cultivate"—"And God said, behold I have given you every herb bearing seed which is upon the face of all the earth, and every tree on the which there is the fruit of a tree yielding seed: to you it shall be for meat."—"Here we are
"got

“ got at the origin of man and the origin of
 “ his rights : how the world has been governed
 “ from that day to this is no concern of ours ;
 “ every civil right grows out of a natural right,
 “ and *cannot invade* those natural rights in
 “ which the power to execute is as perfect as
 “ the right itself.” Hence it follows that the
 man who appropriates to himself a greater
 quantity of the food given by God equally to
 all than is necessary for his own consumption,
 acts in defiance of the natural imprescriptible
 equal rights of man ; and that he who goes
 into the kitchen or larder of this invader of
 his natural rights, and seizes upon what he
 wants, acts in strict conformity to those rights
 which *society cannot invade* ; and as to the laws
 against theft or burglary, they are not only
 in contradiction with the unalienable equal
 rights of man “ but were made by men who
 “ having ceased to be, have no longer any
 “ authority in directing how the government
 “ of the world shall be organized or adminis-
 “ tered.—It is the living and not the dead
 “ that are to be accommodated ; the rights of
 “ the living cannot be willed away by the ma-
 “ nuscript authority of the dead.”

That the French “ Declaration of Rights”
 is conceived in terms too abstract or general,
 the plausible system of impracticable inconsis-
 tency erected upon it by this *brouillon*, as an
 undeni-

undeniable proof. The *Abbé* Syeyès, who drew it up, saw the immediate necessity to stimulate the people into action by some strong application ; and ventured to delude them with terms which from their generality and indefinite nature seem to promise every thing, and bind precisely to nothing. But perhaps he did not foresee that in avoiding one evil another was incurred. The real patriots had then to contend with an inveterate despotism ; and they have left their successors in the government to struggle with an armed and disappointed populace ; let loose at once from all the ties of opinion, of religion, of morals and manners, and ancient customs. If indeed it could be proved that they had no other alternative, I am ready to allow that this situation of things, bad as it is for the present, is still greatly preferable to the other. An opportunity to overturn such a despotism as that of France was to be made use of at any risk ; for anarchy is but a temporary evil, a storm which must sooner or later subside into the calm of order ; but despotism is an established vice, a disease in the very marrow and vitals, prostrating the natural strength, and poisoning every source of health and vigour. From any danger of a relapse into this abject state, I hope and believe the French nation is free ; but when she will be put into the possession and full enjoyment of the noble property she has obtained, or whether it

it will ever be made the most of, is not easy to foresee.

To legislate according to the principles of some pre-conceived theory, without any regard to circumstances or consideration of practice, is no difficult task. But such an abstract government will be like an abstract coat, or an abstract pair of shoes, suiting no shape, and fitted to no feet. It is of another sort of difficulty to institute a government suited to the climate and soil and situation of a country ; to its population and extent ; its faculties and dispositions and inclinations ; to the religion and manners and genius of the people. To make use of things as they actually are, with the prophetic view to render them all that they are capable of becoming. A thousand legislators in the former mode have easily been found ; while legislators of the latter description have but rarely appeared at long intervals in the successive ages of the world*.

The

* “ Any man,” says Rousseau, “ may engrave tables of stone, or corrupt an oracle, or pretend a secret commerce with some divinity, or teach a bird to fly to his ear, or invent some other gross deception to impose upon the people ; but he who can do no more than this, though he may perhaps assemble a mob, will never found an empire. The Jewish law subsisting to this day, the law of Mahomet by which half the world is still governed after a thousand
“ years

In the *regeneration* of France, ardently as I wish for the success of her glorious enterprise, I confess I can perceive no marks of those creative powers destined to give a lasting force and distinguished character in their institution : to invent abstract maxims is as easy as to engrave tables of stone ; but the manners and habits and customs and characteristic disposition of the nation, the only permanent ground for fixed opinion upon which all government must ultimately rest, seems never to have been brought into contemplation. The same philosopher I have just quoted, says, “ Every change in the
 “ customs of a nation, however advantageous in
 “ other respects, is always prejudicial to morals.
 “ Customs are the morals of the people ;
 “ when they cease to respect their ancient cus-
 “ toms, there remains no restraint upon their
 “ passions, except the laws which may restrain
 “ vicious actions, but cannot reform vicious
 “ men. A people who have any morals, and
 “ consequently respect the laws cannot be too
 “ much upon their guard against the specious

“ years announce the great men by whom they were dic-
 “ tated. While the pride of philosophy, and the blind
 “ spirit of party considers these legislators as mere fortunate
 “ impostors, the true politician admires in their institu-
 “ tions, the powerful influence of the genius that pre-
 “ sides over durable establishments.”

“ and dogmatical maxims of philosophers,
 “ which by leading him to despise the laws
 “ and customs of his country, lead to general
 “ and inevitable corruption of manners.”—
 “ The most important of all laws, that which
 “ is written neither on marble nor on brass,
 “ but on the hearts of the people, which forms
 “ the true CONSTITUTION of a state, which
 “ acquires every day new force, which, when
 “ the other laws become ineffectual or obsolete,
 “ restores them or supplies their place, which
 “ preserves in a nation the spirit of its constitu-
 “ tion, and insensibly substitutes the force of
 “ habit in the place of authority, this power-
 “ ful and solid law is the manners, the cus-
 “ toms, and above all the opinions of the
 “ people.”

The real patriots in France, and numerous I
 believe they are, seem to be animated with as
 pure a zeal as has at any time warmed the hu-
 man breast. But let them remember that with
 the best intentions, their honest ardour lays
 them constantly open to be practised upon by
 artful hypocrites or hot-brained enthusiasts.
 Let them above all beware of those who flatter
 their darling passion with too general or extra-
 vagant panegyric. Were it my place to offer
 them advice, I should earnestly recommend to
 their particular attention at this moment, the
 following

following sage observations from their own immortal Montefquieu.

“ The democratical principle is corrupted,
 “ not only when the spirit of equality is lost,
 “ but when a spirit of extreme equality is introduced, and every man will be equal with
 “ these he has chosen to command him. It is
 “ then that the people not being able to endure
 “ the power they have confided, will do every
 “ thing themselves, deliberate for the senate,
 “ execute for the magistrates, and deprive all
 “ the judges. In this state of things there is
 “ no more any virtue in the republic. The
 “ people will perform the functions of the magistrates, who are no longer respected. The
 “ deliberations of the senate have no longer any
 “ weight; no more regard is therefore shewn
 “ to the senator, nor consequently to elders.
 “ Where there is no respect for age there will
 “ be none for fathers; husbands will merit no
 “ deference, and masters no submission. A
 “ general licentiousness will prevail; the restraint of commanding will fatigue like that
 “ of obedience. Women, children, servants
 “ will be under no subordination. There
 “ will be neither morals nor love of order, nor
 “ in fine any virtue.

“ There is in the *Banquet of Zenophon* a
 “ very natural and simple picture of a republic

" where equality has been carried to excess.
 " Each guest gives in his turn the reason why
 " he is satisfied with himself. " I am satisfied
 " with myself," says Chamides, " on account
 " of my poverty. When I was rich, I was
 " obliged to pay court to the evil-speakers,
 " well knowing that they might hurt me more
 " than I could hurt them. The republic was
 " always demanding from me some new sum ;
 " I could not absent myself. Since I am poor,
 " I have acquired authority ; nobody threatens
 " me, and I threaten others : I may go or stay.
 " Already the rich rise from their seats to
 " give place to me. I am a king ; I was a
 " slave. I paid a tribute to the republic ; now
 " it keeps me. I no longer fear to lose ; I
 " hope to gain."

" Democracy has then two excesses to be
 " avoided ; the spirit of inequality which leads
 " to aristocracy or to the government of one,
 " and the spirit of extreme equality which
 " leads to the despotism of one, as the despo-
 " tism of one finishes by conquest.

" As far distant as it is from heaven to earth,
 " so far is the true spirit of equality from the
 " spirit of extreme equality. The former does
 " not consist in establishing that all shall com-
 " mand and none be commanded, but in the
 " obedience

“obedience and command of equals. It does
“not seek to have no masters, but to have
“equals for masters.

“In the state of nature men are born in
“equality, but they cannot remain in it. So-
“ciety deprives them of it, and they can
“become equal over again only by the laws.

“Such is the difference between a regulated
“democracy and one that is not, that in the
“first men are equal only as citizens; and in
“the latter they are also equal as magistrates,
“as senators, as judges, as fathers, as husbands,
“as masters.

“THE NATURAL PLACE OF VIRTUE IS
“BY THE SIDE OF LIBERTY, BUT SHE WILL
“NO MORE BE FOUND WITH EXTREME LI-
“BERTY THAN WITH SERVITUDE.”*

God forbid that this strong picture, “*ce
“peinture bien naïve,*” should ever become the
portrait of the Revolution in 1790; but when
we see an armed populace dictating to the mu-
nicipalities, and the municipalities to the
legislature; clubs assuming a control over the

* *Esp. de Loix. L. viii. Chap. ii, iii.*

assembly of representatives, and the executive power without force or authority ; there is surely but too much reason to be alarmed for the event.

I have lately had an opportunity of looking in the faces, and listening to the discourses of the people of France ; and under the exultation of success, strong marks of disappointment and discontent may be plainly discerned. Those who conducted them in the revolution ventured upon the dangerous expedient of raising expectations impossible to be fulfilled. At the same time that they rested the force of the government upon public opinion only, they excited that opinion by means that must presently fail ; by promises they are unable to perform. They have placed their only treasure in a fund which must necessarily sink ; and as it is the nature of the people every where, and particularly of the people in question, to love extremes, the least abasement may lead to bankruptcy. The opinion of the people is a necessary support to all government, but a bad exclusive foundation of government because it is for ever liable to be mistaken or misled ; so that such a government can have no permanency, consequently no force : and a weak government must always be among the worst of governments let its form or denomination be what

what it will. Where the laws cannot be enforced, instead of protection they will only furnish additional means of oppression; they will be executed by the strong against the weak, whether by an armed populace against the higher orders, or by the higher orders against a depressed people, or by subdivisions or persons against other subdivisions or other persons, and the state will suffer the miseries of servitude without the advantages of subordination,

In all political associations, where the right to *exclusive property* is admitted as a fundamental principle, the contradictory principle of the *equality of man* cannot be admitted at the same time; and as the necessary consequences of a principle must be admitted with the principle, inequality of conditions, necessarily resulting from inequality of property, must also be admitted. Governments admitting the inequality of possessions may be divided into two sorts. In one, the owner of more land than he can occupy himself employs others to cultivate it for his benefit, upon condition of allowing them a certain portion of the produce adequate to the value of their labour estimated by the means of their subsistence; here the inequality between the person who gives and the person who receives is in a great measure
balanced

balanced by the mutual need they have of each other : as long as this reciprocity of interest is maintained, the inequality is but little felt : the choice and the acceptance are both voluntary, and no immediate personal dependence is established ; and if the share the labourer or manufacturer is admitted to, is equal to his necessities, I believe in this state of things the happiness which depends upon society is as equally distributed as the nature of society admits of : for equality of *happiness*, the only equality worth contending for, does not consist in equality of conditions, because happiness does not proceed from conditions ; and when we consider that all animals seem to have been destined by nature to obtain their food by labour*, and that the ordinances of nature are never transgressed with impunity, we shall be apt to think that there is much less difference in the sum of happiness between those who labour and those who rest than is commonly supposed.

In governments where the inequalities of conditions proceed by insensible gradations, and are united to each other by reciprocal benefits where the moral dependencies are mutual, and

*——Pater ipse colendi
Haud facilem esse viam voluit.

consequently

consequently personal dependence is null; where the spirit of inequality of possessions is corrected by the spirit of equality in the law; and where a great majority of the whole have a real share in the benefits of the world, men are immense gainers by society, which by increasing their numbers and multiplying their means adds infinitely to the common existing sum of happiness.

There is another order or rather *disorder* of things, where instead of equal law, men are governed by the arbitrary wills of men ; and the sacred name of law is impiously prostituted to partial and oppressive declarations of power ; where one man commands the services of another without admitting him to any share in the benefit he is employed to produce. Every government which supports this extreme inequality is a monstrous evil ; and where this abominable principle is carried so far that *the many* are devoured by *the few*, a society so constituted is the greatest curse with which humanity can be visited. To such a nation, debased below the power of resistance, a plague or an earthquake is a desirable catastrophe.

People of England! You are of all nations
the happiest while you know your own happi-
ness; you enjoy a greater share and a more
equal

equal proportion or the comforts and conveniences of life than perhaps any people here ever done before. Your property is secure, and your persons free. You owe submission to the law, but subjection to no man. You may freely speak and freely act all that a wise man can wish to say, or a good man to do. You are bound by laws equal and mild, and honestly administered. Your government is all powerful under the law, and without force against the law. The voice of the nation alone when distinctly heard is always of sufficient energy to repeal every abuse, and to constrain every necessary reform. You have reputation, and plenty, and peace! Hail happy land! fertile in the gifts of nature; fertile in men worthy to enjoy them!

Salve, magna parens frugum, Saturnia tellus,
Magna virum—

So long as you remain true to yourselves, neither fraud nor force shall prevail against you. When you fall it must be by your own hand. If you suffer the corruption of venality to poison every source of public virtue, remember that the seller is still more despicable than the purchaser in this infamous traffic. If you allow the manly lines with which a hardy climate and a free constitution have marked your national character, to be defaced and obliterated
by

by I know not what apish effeminacy of manners under the name of fashion, know that laws without morals are empty forms ; that liberty disdains to inhabit a nation enervated with petty luxuries and frivolous pursuits. If you learn from the vain babble of sophists to despise the plain virtues of your fathers, you will be despised in your turn by your sons, a still more profligate generation. When a greedy ambitious minister gulls you into foolish confidence, or an impudent juggler imposes upon your simple credulity, they do no more than follow their trade ; but you, when you come to eat the bitter fruit of your folly, will excite scorn but no commiseration ; for though ambition may have something of eclat and hypocrisy something of ingenuity, the stupid imbecillity of a willing dupe has nothing to oppose to the contempt and ridicule of mankind,

But to return to Mr. Paine, after all his vapouring about *imprescriptible principles* and *antecedent constitutions* ; he seems to be himself aware that he has only removed the difficulty one step farther. To the elephant upon which the world is supported he has added a tortoise, but if you ask upon what the tortoise stands, he shifts his ground ; one while we are referred to “ the nation in its original character, constituting for the nation

on its organized character ; another while to “ father Adam” and “ the divine unity of man in the creation ;” and at last he is constrained to allow that government must after all depend upon *circumstances* and *conveniencies* and *opinions* !

The CIRCUMSTANCES of the world (he says) *are continually changing, and the OPINIONS of men change also, and as government is for the living and for the dead, it is the living only that can have any right to it. That which may be thought right or CONVENIENT in one age may be found wrong or inconvenient in another—and then what becomes of his eternal laws and eternal constitutions ; for from hence it follows that no man can have a right to lay down imprescriptible unalienable rules, to direct the “ future claims of citizens,” or to restrain the free exercise of future opinions.*

By what secret power of alchimy the deputies of the *Tiers Etat* to the states general in France transmuted themselves into the general representatives of man, of power to constitute for all nations and all generations, Mr. Paine has not indeed attempted to shew. He has confined himself to a simple relation of the fact.—“ After various altercations the *Tiers Etat*, or commons as they were then called, DECLARED THEMSELVES,

“ SELVES, on a motion made for that purpose
 “ by the *Abbé Sieyès*, the representatives of
 “ the nation ;” because “ they began to con-
 “ sider aristocracy as a kind of fungus growing
 “ out of the corruption of society, on which
 “ point they were not only resolute but some-
 “ what disdainful—and this proceeding extin-
 “ guished the stile of *Etats Generaux* or States
 “ General, and erected it into the stile of *l’Assemblée
 “ Nationale*, or National Assembly.” Here
 is an act of assumption “ of far other mag-
 “ nitude and consequence than that by which
 “ the English parliament empowered itself to
 “ sit for seven years.” The one is an imme-
 diate assumption of power; the other only
 an assumption of less limited duration; one
 was assumed in direct opposition to the co-
 existent powers of the state, and the other with
 their full consent.

It still then remains for Mr. Paine to explain
 according to the principles he has laid down,
 how the deputies from the *Tiers Etat* could be
 converted by their own vote into “ the per-
 “ sonal social compact”—“ the delegates of
 “ the nation in its original character;”—or
 how they could give themselves that “ right
 “ of reform,” which he says, “ is in the na-
 “ tion in its original character only;” till he
 does this, we, who are unregenerate and un-
 illuminate,

illuminate, will continue to speak of the French revolution in common intelligible terms ; as an event brought about by the ordinary motives of alteration, expectation of advantage and common consent, and by such particular means as the circumstances and dispositions required; excellent in its general object and tendency, doubtful in its progress and event.

When our author comes to draw his comparison between the English and French constitutions, he confines himself to the following articles. *The mode of elections—the game laws**, —*members of the legislature holding offices of government—the right of declaring war—the destruction of titles—and of the aristocracy—the reformation of the church establishment †, and*
univer-

* Amongst the defects of *the constitution*, one should not have expected to find the game laws which are mere partial regulations. By what principle of justice the owner of the land when he lets it to another, may not stipulate for any reserve he pleases, is not easy to understand. That the penalties under these laws are abominably too severe, is certain ; and that they ought to be mitigated or repealed ; but the principal of them seems just and fair.

† In my *Letter to Mr. Burke*, I have endeavoured to shew, that the extreme inequality of the provision made for the clergy tends to degrade the clerical character ; that the ecclesiastical jurisdiction is a heavy grievance, uncompensated by any advantage ; the test act an unjust
and

universal toleration. But the object of this answer is to shew, that whatever of these points (some of which are legislative, some ministerial, and but a few constitutional) are not already in our possession, and are worth contending for, may be attained by legal constitutional means, without running to the perilous experiment of radical innovation. The superiority of the English over the French constitution in the two master points; I mean the giving a limited and useful direction to the necessarily existing aristocratical force; and the placing in the crown a sufficient, effective, independent power to maintain the balance upon which the existence of the constitution depends; I have already endeavoured to prove; but before I proceed to the consideration of the rest of these articles, I have something to say upon that objection to distinctions in society, which he places at the head of his argument, drawn from the descent of land according to the common law of England.

and impolitic restraint; and tythes an unequal unproductive oppressive tax upon industry; that these are "the dregs of time †" upon which the ecclesiastical state has too long continued. But though I maintain against Mr. Burke, that these are strong objects of reform, I will also maintain against Mr. Paine, that being attainable by constitutional modes of reform; they are no causes for destruction.

† Lord Bacon.

" The nature and character of aristocracy,"
 he says, " shews itself to us in this law. It
 " is a law against every law of nature, and na-
 " ture herself calls for its destruction. Esta-
 " blish family justice and aristocracy falls. By
 " the aristocratical law of primogeniture-ship,
 " in a family of six children five are exposed.
 " Aristocracy has never more than one child.
 " The rest are thrown to the cannibal for his
 " prey, and the natural parent prepares the
 " unnatural repast—All the children which
 " the aristocracy disowns, which are all,
 " except the eldest, are in general cast like
 " orphans on a parish—With what kind
 " of parental affection can the father or
 " mother contemplate their younger off-
 " spring? by marriage they are their heirs,
 " but by aristocracy they are bastards and
 " orphans."——

I have quoted this passage at some length
 as an extraordinary example of bold and
 dishonest misrepresentation. Would not any
 man, without previous information, infer from
 it, that by the laws of England parents are
obliged to leave the whole of their property to
 their eldest, and nothing to the rest? Will not
 a foreigner who reads *Droits des Hommes* be sur-
 prized to learn that notwithstanding all that is
 there so impudently asserted, in England every
 man

man is perfectly free to bequeath or settle his property on all his children, in any division or proportion he thinks proper, or to make any other disposition of it whatever? and that it actually is the general practice to make an ample proportionate provision for them all? A man who can thus descend to impose upon the ignorant and vulgar, for the sake of calumniating a description of persons, whom he hates because he envies, is surely unworthy of all credit and regard.

Exclusive possession of property being no natural right, but an artificial right, founded on the laws of society merely; provided it is secured to the rightful claimant, there is nothing over which society has a more undoubted and original decision, than over the rights upon which the laws of possession shall be established. In Sparta, the society, desirous of maintaining a perfect democratic equality, vested all property in the republic; and under the feudal system, the grand fiefs were unalienable. These were the two extremes; but being analagous to the institutions which were intended to be supported, admitting the principle, they were wise regulations. In the English government, where the best parts of every principle of government are so happily blended together to compose a whole, some-

x c

thing

thing of the spirit of each has been preserved in the regulation of property. To give some support to the aristocratical principle, on the admission of which to its due weight in the balance we think the security of our constitution depends, in cases where no previous disposition has been made, the law gives the land to the heir male, and divides the personal property, which must generally bear some considerable proportion to it, among the heirs general * ; but the exclusive rigour of the Gothic institution has been wholly softened or done away by allowing parents or possessors the full power to alienate or divide their lordships or estates as they please ; and perhaps a better order of society has never existed any where than on the estate of an English gentleman, living in the midst of his tenants or yeomanry, using the income of his estate for its improvement, interested to promote the benefit of all for his advantage as well as his satisfaction, and providing for the hereditary continuance of this patriarchal state by leaving a representative nurtured in the same habits in the midst of a rising generation. Exclusive property seems to benefit the general community by increasing the general produce, this may

* How is it in America ?

be exemplified by observing how little productive common lands are in proportion to those which are private property. That government under which society is carried to the greatest degree of number and perfection, and consequently the general sum of general happiness the most increased, I suspect is thereby proved to be the best, be its form what it may.

To return to the order of Mr. Paine's objections.

The *representation* comes next to be considered; and this has always been one of the strongest batteries of the democratisers, against the actual constitution of England. "The county of York," says Mr. Paine, "which contains near a million of souls, sends two county members, so does the county of Rutland, which contains not an hundredth part of that number." By one of the commonest of all errors in moral calculations he mistakes the means for the end. He forgets that the object in view is to obtain a body of representatives proper and adequate to the purposes for which they are designed, and that if this is obtained, it is of no consequence whether Thomas shall have as many square inches or cubic ounces of representation as John. The

K E 2

members

members of the House of Commons are not the representatives of Rutlandshire or Yorkshire, but the representatives of the nation*, and a thousand freeholders in one are just as likely to send up good men and true as twenty thousand in the other. This objection might perhaps apply to a congress of deputies from separate states, but is here of no weight at all. In theory, a more strong and specious ground of inequality than this might I think have been taken. The county members are supposed to be sent up by the landed interest, and the personal and commercial interest to be represented by the citizens and burghesses; and this is not a speculative, but a real division; for though Rutlandshire and Yorkshire can have no separate interests, the landed and monied interests may frequently come in competition with each other. The disproportion in number between the representatives of the landed and monied property, of two to one, might therefore appear an essential inequality: but the practice has shewn it to be otherwise; and no

* "The representatives named by the department," (says, the French Constitution, Table iii. Chap. i. Sect. ii. Art vii.) "shall not be the representatives of a particular department, but of the nation entire, nor may they receive any mandate."

subject of complaint has been found in the predominancy of the monied interest in parliament; nay, perhaps the superiority in numbers of the citizens and burgesſes over the knights, may have fortunately operated to prevent the depression of the trading interest, by the weight of landed property; for the prejudices of what were called the country gentlemen, before the advantages of commerce to the value of land were ſo fully and ſo experimentally underſtood as they are at preſent, have often ran high upon this point; and when we conſider, that the great eſtates are ſtrongly repreſented in the Houſe of Lords, we ſhall be perhaps led to think, that this apparent inequality, inſtead of being a defect, may have operated to enſure a balance eſſential to the progreſs of the nation towards its preſent elevation. “But,” continues Thomas, “the “conſtitution of France ſays, that every man “who pays a tax of ſixty ſous (2s. 6d. Engliſh), “is an elector.” What will be placed againſt this? Till we admit the excellency of this principle of representation, I do not ſee that it is neceſſary to place any thing againſt it. If it is intended by this ſyſtem, that all taxable property ſhall be repreſented, and that a vote for it ſhall be eſtimated at ſixty ſous; every man ought to have as many votes as he
pays

pays half-crowns into the treasury ; as was in a degree instituted by the classes and centuries of Rome*.

The French constitution attributes 295 representations to the land, 249 to population, and 249 to the contribution of taxes : but how the separation can be made, is not, I think, easy to comprehend : for when the landed and monied interests are represented, the third division seems to merge in the other two. Another of Thomas's objections, is to the *origin* of our representation : but this is an objection merely historical ; for we have only to oppose to this learned writer, other writers of equal authority, and the force of the objection must be taken away, or at least suspended. According to him, our system of representation owes its origin to William the Conqueror. Seldon, Cambden,

* When the people voted by *assessment*, the first class, in which were included the patricians, senators, &c. contained 98 centuries ; and the sixth or last class (by far the most numerous) consisting of the lower orders, contained only one century ; and when 97 centuries, out of 193 of which they consisted, had voted one way, the majority was declared ; so that every thing was commonly decided by the higher orders before the lower and more numerous classes were called upon to vote at all. This was wholly aristocratical, as deliberation by assessment must always be if the proportion is preserved.

Rapin,

Rapin, Hume, trace it to our Anglo-Saxon ancestors, the *Wittena Gemot* the *magnum concilium* or *commune concilium*, and Montesquieu fees its origin at a still greater distance, in the government of the ancient Germans, as described by Tacitus. But Thomas's object was merely to make it odious ; and for this purpose, he very aristocratically condescends to reproach it with the supposed obloquy of its birth. In contemplating the superior beauty of the French constitution, he is particularly struck with the accuracy of calculation so neatly summed up, that of the three divisions of representation, two are balanced to a fraction, and the third differs only in two aliquot parts out of 745 *. Little minds, as Montesquieu has observed on this very occasion, are apt to be captivated with little proportions of order. But to ascertain the worth of a principle, or the value of an existing institution, men of practical sense will not begin by analysing their parts, or tracing their origin, but by inquiring into their effects. If they find these good, they will pronounce the causes by which they are produced, to be good also. They will not object to the salutary and delicious juices of the fruit, because it represents no regular mathematical form, or

* This, I suppose, is what he calls " reasoning from
" minutæ to magnitude."

because

because its sap may have been raised from a dunghill.

Having considered the objections of this writer to the *constitutional* representation, we come to his second head of objection; "That the town of Old Sarum, which contains not three houses, sends two members, and the town of Manchester, which contains upwards of 60,000 souls, is not admitted to send any." But this defect, so far from belonging to the constitution, is a mere depredation made upon it by the inevitable accidents of time. The members for Old Sarum, who now represent uninhabited walls, were formerly sent up by a flourishing town; when Manchester, which once sent up members, had become so poor as to desire to be relieved from the burden. To remove the representation from places which time has annihilated to the towns which have risen up in their places, is not to innovate but to restore. But Thomas, who loves us not, and has now the success of his prophecy superadded to his former hate, would be sorry that the edifice should be repaired which he proposes to destroy; he objects therefore to a legislative remedy, because "a government cannot possess a right to alter itself;" but if it may not pull down the building, it must possess the right of repair against time and accident; and the right to
preserve

preserve is neither the right to alter nor to destroy.

There is one good arising from the most abusive of these publications, that the more the question is agitated, the more the necessity will appear for taking away this reproachful disorder, with the base traffic, the *turpe commercium* it creates, emphatically called after a great authority, the rotten part of the constitution. This reform may, it ought to be, nay, I think it must be speedily obtained. It cannot be brought forward under more fortunate auspices. It was the last legacy of the dying Chatham, and the virgin effort of our present minister. His honour and piety are both engaged to persevere in it to effect. And if the son's face is not stamped with those grand and prominent features, which gave such irresistible command to the countenance of the father, his powers of influence are not less efficacious. After ten years, his best friends will advise him to secure some one action of eclat against the mutability of human affairs. Though he now stands like a Colossus, with one foot on the throne and another on the people, the caprice of fortune may have already decreed some fatal reverse. As in common life, persons who have any property to dispose of, do not wait for the warnings of mortality to make their last will, the man whose name is

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destined

destined to descend to posterity will labour sometimes that it shall not go down unaccompanied with some honourable addition. In the vigour of his career, he will not forget that the day must come when all his glories will be comprised in the narrow compass of an epitaph, *Customs and excise, and three per cents.* will make but a sorry figure upon marble. HERE LIES THE MAN WHO RESTORED THE CONSTITUTIONAL REPRESENTATION, would be no inglorious inscription.

At page 82, there is the following curious note. " When in any country we see extraordinary circumstances taking place, they naturally lead any man who has a talent for observation and investigation, to inquire into the causes. The manufacturers of Manchester, Birmingham, and Sheffield, are the principal manufacturers in England. From whence did this arise? A little observation will explain the case. The principal, and the generality of the inhabitants of those places, are not of what is called in England, *the church established by law*; and they, or their fathers, (for it is within but a few years), withdrew from the persecution of the chartered towns, where test-laws more particularly operate, and established a sort of asylum for themselves in those places. It was the
" only

“ only asylum that then offered, for the rest
 “ of Europe was worse.—But the case is now
 “ changing. France and America bid all
 “ comers welcome, and initiate them into all
 “ the rights of citizenship. Policy and interest,
 “ therefore, will, but perhaps too late, dictate
 “ in England, what reason and justice could
 “ not. Those manufacturers are withdrawing,
 “ and are arising in other places. There is
 “ now erecting at Passley, three miles from
 “ Paris, a large cotton-mill, and several are
 “ already erected in America. Soon after the
 “ rejecting the Bill for repealing the test-law,
 “ one of the richest manufacturers in England
 “ said in my hearing, “ England, Sir, is not
 “ a country for a dissenter to live in—we
 “ must go to France.” These are truths, and
 “ it is doing justice to both parties to tell them.
 “ It is chiefly the dissenters who have carried
 “ English manufactures to the height they are
 “ now at, and the same men have it in their
 “ power to carry them away ; and though those
 “ manufactures will afterwards continue to be
 “ made in those places, the foreign market will
 “ be lost. There are frequently appearing in
 “ the London Gazette, extracts from certain
 “ acts to prevent machines and persons, as far
 “ as they can extend to persons, from going out
 “ of the country. It appears from these, that
 “ the ill effects of the test-laws and church-
 “ establish-

“ establishment begin to be much suspected ;
 “ but the remedy of force can never supply the
 “ remedy of reason. In the progress of less
 “ than a century, all the unrepresented part of
 “ England, of all denominations, which is at
 “ least a hundred times the most numerous,
 “ may begin to feel the necessity of a constitu-
 “ tion, and then all those matters will come
 “ regularly before them.”

But, 1. It is false that these towns either were
 at first, or ever have been colonies of dissenters,
 driven from the chartered towns.

2. It is not true, that the generality or even
 majority of their inhabitants are dissenters, as
 has been but too fatally shewn in the late
 tumults at Birmingham,

3. Manufacturers have nothing to do with
 the test-laws any where.

4. There is as large a proportion of dissenters
 at Leeds, Norwich, Nottingham, Leicester,
 Derby, &c. as in the unchartered towns, and
 in several of them the corporation is in the dis-
 senting interest.

5. The erection of “ one cotton mill in
 “ France,” and “ several in America,” brought
 as

as a sole proof that "the manufactories are *withdrawing* from England, is perfectly ludicrous.

6. What was said to Mr. Paine by his rich dissenter in a moment of disappointment, proves nothing but the anger of the man. He has probably thought better of it since; and if not, we may very safely allow all those who think "England not a country to live in," to go where they can find a better.

7. The parliament being (as is shewn elsewhere) the representatives of the whole nation, and not of any particular districts, it is absurd to say that any part of it is unrepresented: and the towns in question are not only generally but particularly represented. Mr. Paine might have been easily informed for instance, that Sir Robert Lawley is the immediate representative of Birmingham.

In the text to which this note belongs, he compares the erection of a single cotton mill in France, and one or two in America, with the Inquisition in Spain and the revocation of the edict of Nantes in France, as an equal proof of the bad government actually existing in England.—So much for Thomas's candour and ingenuity, as well as "his talents for observation and investigation."

I have

I have already observed that though I think the constitution of our government the best that has hitherto been devised, the best cannot be secured against abuse and decay. Time has made a breach in the constitutional representation: and on the odium of corrupt influence, I am ready to concede to Mr. Paine all that he exposes in pointed and lively terms. But corrupt influence is not the constitution, but a disease growing out of a vicious infection in its component parts, which could not be removed by any change of structure, so long as the same infected parts must necessarily be re-employed in the confirmation. If there was no venality, there could be no corruption; and no form of government that ever did or will exist, can prevent men, who esteem money more than liberty, from offering to sale whatever share of that liberty they have it in their power to dispose of. When venality has once pervaded a nation, the greater share the people have immediately in the government, the more simple the possession of their liberties is, the greater is the facility with which they may drive their bargain: so that if it be true, as I believe, that venality is the inseparable companion of luxury, and luxury the necessary attendant upon riches and commerce, it will appear to be an extraordinary proof of the excellent contrivance of our constitution, that this rich commercial luxurious nation should have preserved

served its liberties rather increased than diminished during so long a period ; for whatever cause we may have for apprehension for the future, certain it is that we do now enjoy as much civil liberty as any people have ever possessed ; as much perhaps as can consist with the force necessary to preserve security and order in a state of general corruption of morals. For the power of government must be made proportionate to the crimes it has to punish or restrain. Our business is not therefore to innovate, but to preserve and restore. Our persons and properties are secure, and we have the rare felicity to live in times, when beyond any example, men may freely communicate the freest opinions—*rara temporum felicitate, ubi sentire quæ velis, et quæ sentias dicere licet.*—Would we change with France, where besides the necessary restrictions of the government and the laws, all men are subject to the capricious command of mobs and self-formed societies ? No man of common sense who has taken a view of the two countries, would admit the idea for a moment. And if there is less practical liberty in France, their liberty stands also upon less secure foundations, because the people are intrusted with the immediate management of what they have never known how to conduct. If ever the popular energy
by

by which the government in France is at present maintained comes to subside; if ever the French people should be driven to associate the ideas of their actual and increasing miseries with the principles and practices of their new government, they may, and most probably will sell or yield up their rights and liberties to persons taking ground upon the old constitution. Those who admire the facility with which the French revolution was accomplished, should recollect, that with the same facility a counter revolution may be effected. If it be true that "for a nation to be free, it is sufficient, that she wills it," it is still more true that for a nation, politically constituted as France is, to resign her freedom, it is sufficient that she wills it; for it is certainly more easy to resign rights than to maintain them. In one day tyranny was overturned; and in one day may liberty, like another Astræa, take her flight to heaven. The constitution of France has provided no strong holds, no outworks against the temporary seduction, or bribery of the people. No use has been made of that great political as well as mechanical principle, *the opposition of contending forces*, so happily employed in our admirable constitution. In England every individual may indeed sell his vote, because that is what no form of government

ment can possibly prevent ; and under every possible mode of legislation unjust or oppressive laws may be made ; but neither the people for themselves, nor the branches of which the government consists, can alienate any of their general rights, or the respective powers intrusted with each for the general good, without the formal consent of the three in the first instance ; and an ultimate appeal to the people. Each may dissipate or misapply their income ; but none can without the consent of all parties, dispose of any part of the estate ; the people may prostitute their voices at an election ; parliaments may be bribed or seduced to support foolish measures, or bad men ; and the crown may apply its influence for the same or other bad purposes ; but the powers of resumption and repeal remain unimpaired to be exercised under better men and in better times. By the admirable mechanism of our constitution, not resting too much upon the honesty of the governors, or the energy of the people, it is made the permanent interest of every branch to maintain their respective powers, and to prevent each other from passing the bounds prescribed to them. The rights of the people, which are held in trust by the three branches of the legislature, may be ill administered, but they cannot be resigned ; the powers committed to each not only infer duties

which they are morally obliged to execute, but so long as it remains impossible for one of the branches of the legislature to elevate itself to any dangerous pre-eminency without abridging the powers of the other two ; and so long as the consent of all the three is necessary to any alteration in the disposition of these powers ; so long must it be the immediate interest of all to preserve that balance, which is the best security for the preservation of the civil rights we enjoy. Thus, however the morals of the nation may have been debased, the constitution has hitherto received but little injury from a system of corruption which has long notoriously prevailed. Our liberties fortunately rest on deeper foundations than the cotemporary wisdom or virtue of our governors, or even of the nation itself. The forms of our constitution, have effected that perfection of political contrivance, to unite the duties and interests of the bodies of which it is composed in one common point ; as individuals, they may be bribed or seduced to support this man or that measure ; but as bodies, they have neither the power nor can have the inclination to surrender the constitution.

Mr. Paine considers it a very great superiority in the French government, that the
ministers

ministers are not admitted to a seat in the National Assembly, but the excellency of this privation is, I think, by no means so clear. To be sure, according to theory, the executive and legislative powers should be separately and distinctly administered; but I think this principle does not reach to the incapacitating, the same individuals from acting in both; and in practice it is difficult to suppose, that any wise system can be attained by the unpremeditated deliberations of such a meeting at the National Assembly. I am rather inclined to think that so long as the measures of the executive government are fairly brought forward to parliamentary discussion, it is advantageous that the ministry should belong to parliament; it tends to give their measures additional weight on one hand, and a more early and immediate responsibility on the other. One thing at least I am sure of, that neither the actual conduct of the government in France, nor the arguments of Mr. Paine will induce any reasonable man to wish for an essential change in the mode of administering the executive powers in England, were such a change practicable. I am not here speaking of the exclusion of mere placemen and pensioners; a constitutional restriction ever to be wished for, but which would be much better effected by

taking away the useless places and pensions themselves.

After attacking all laws and establishments, and consequently all morality, under the pretence of securing liberty of action, our author would destroy all religion to secure liberty of conscience. Disapproving the establishment of one religion, and the tolleration of others, he contends there should be no established religion. This man, who founds the most extravagant political doctrines on the first chapter of Genesis, and the genealogy of Jesus Christ, page 48, 49 ; declares, page 79, 80, for pure deism. He cites, in example, " the worship of a Jew or a Turk ;" and says, " with respect to religion itself, without regard to names, and as directing itself from the universal family of mankind to the divine object of all adoration, it is man bringing to his maker the fruits of his heart ; and though these fruits may differ from each other like the fruits of the earth, the grateful tribute is accepted." But to consider this sacred subject merely in a political point of view, either there is one true religion and all the rest are false, or else there is no true religion at all. Now as religion is not presented at once to the choice of men in full powers of their understanding, but impressed upon the tender minds of youth

youth in early education, admitting that there is a true religion, it becomes the duty of the government to provide that no other shall be inculcated in the public establishments of education, or preached to the people in the established places of public worship. The religion thus taught and authorized is the religion of the state : but, considering the extreme fallacy of human reason, as men may be mistaken, even where their belief is founded on the strongest evidence, though government will not authorize or support, they will tolerate all the rest, as far as is consistent with the protection they owe to that which they believe alone to be true. Such has been hitherto the proceeding of the best and wisest people under the former of these two suppositions, that there is a true religion ; and this proceeding does indeed seem perfectly consequent and just.

If on the contrary, we are to suppose for a moment with Thomas Paine, that religion consists in nothing more than “ a grateful tribute of devotion from man to his maker,” “ for which God has entered into a contract with man from the beginning of time ;” * and that it is as indifferent to God in what mode this tribute is paid “ as it is to a Bishop, whether

* Note, p. 121.

he receives his tythe in a sheaf of wheat, or a cock of hay ;"† the case is entirely changed. If all religions are indifferent in the sight of God, they are far from being indifferent in their operation upon the actions of men. When it is therefore once established that they are indifferent in the sight of God, they that instant become an immediate object of human consideration. The legislator has a right to avail himself of this mighty engine for the better government of mankind in aid of morality and the laws. The religion of the state is one of the most forceable and efficacious institutions of government. A few speculative men, relying too much upon the fallacy of reason, may have become atheists or materialists, but to attempt to root out all religion from among the people is equally wicked and vain. The belief in a future state of existence, where virtue will be finally rewarded, and vice punished, offers encouragement and consolation to the good, and restraint to the bad, far beyond the reach of human laws ; and this belief having (as I'm about to shew) its natural causes in the human mind, the destruction of a rational established religion, leads men back through licentiousness to gross superstition, as the destruction of legal government does through anarchy to despotism.

All religions, except the true religion revealed from heaven, do not, as our author says, "begin by persuasion, and exhortation, and "example," but have their origin in our ignorance of the laws of nature, and the imperfection of our organs of sensation. Religion, in the most general sense, may be defined to be *a rule of action founded upon the belief of supernatural agency*; and this belief has been inherent in mankind in all ages of the world. Men limit the laws of nature to their own very confined experience; with the ignorant, whatever is extraordinary is supernatural; whatever happens out of the common course is attributed to the power of some invisible agent, because it is easier to suppose the operation of animal bodily force, with the powers of which we are acquainted, than chemical or other natural powers of which we have had no experience. And as among these extraordinary incidents some will be beneficial and some hurtful to men, they will endeavour to conciliate the favour, or deprecate the malice of these powers, by such gifts and supplications as would be most acceptable to themselves. This seems to be the natural history of sacrifice and prayer. Nor is this all; the senses are really deceived as well as the imagination. We learn to judge of
 shape

shape and magnitude, and the rest of the accidents of figure, by repeatedly comparing the impression made upon the sight with the impression made upon the touch by the same object ; whenever the criterion by which our judgment upon these circumstances has been used to be guided is either absent or imperfect, the judgment will be false or imperfect also. If we suppose an object placed near to the eye to be at a distance, the idea of the object will be magnified exactly in proportion to the mistake : a cat may acquire the dimensions of an elephant, and a horse assume a gigantic form. In dense or obscure *media*, as the dusk of the evening or a fog, things will appear in extraordinary and unknown forms ; and miraculous *appearances* or *visions* will be added to miraculous *events*. Such seems to have been the origin and foundation of all the fictitious religions of the world. How the priests have in all ages availed themselves of these natural propensities of the human mind more or less to enslave mankind it is not here our object to inquire. It is sufficient to have proved, that as men must have a religion, they ought to have the best religion possible *.

* Men do not seem less prone to superstition in this enlightened age than formerly. *Swedenbergers*, *Animal-magnetisers*, *Unitarians*, &c. are the produce of our own days.

When

When we are told that our government has its defects and imperfections, we answer certainly, for it is the work of man; and were a synod of angels to form a constitution it would still be imperfect as long as the administration of it must be committed to variable and very imperfect creatures. But if the English government is not perfect, its comparative excellence is clearly shewn by the rank the country holds among the nations, far beyond its extent or natural resources; for this pre-eminence incontestibly proves the existence of all those advantages which government is intended to promote. Commerce, and arts, and industry, and riches, and population are invariable signs of good government; and the nations where these flourish are the true and only schools of sound legislation. If this profound doctor, who deigns to cast a philosophic eye over the distempers of our state, had taught us to remove the abuse without endangering the institution, we should have owed him much obligation; but he "casts the water of the land," and neither marks the disease, nor indicates the cure: and as to his violent and experimental specifics and panaceas, we will "throw such physic to the dogs."

Desperate and deplorable indeed is the state
of those countries where reformation must be

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preceded

preceded by demolition. An exchange of evils for the present, and a doubtful prospect of future good, may be the only sad alternative of the tyrannies of Europe; but our mild and equal government presents us with the free, secure, and peaceful enjoyment of actual good, and the safe and easy means of reforming in due season and without violence all the defects and inconveniencies for which no prudent opportunity was given to the wise caution of our ancestors. To these objects, and to a jealous and suspicious watchfulness of the administration of government, real patriots will direct the attention and excite the vigilance of the people. All reformation really desired and firmly demanded by the nation must ever assuredly be complied with; and it is not to be expected that reformation will be officiously offered by those who are benefited by the continuance of the evil. The voice of the nation is the constitutional control of parliament, and the constitutional check of the most daring administration. When fully and clearly pronounced, it never did, it never can fail to operate to full effect. In such a state of things therefore silence is acquiescence, and acquiescence is tacit approbation. If the people have at any time seen with apparent satisfaction a parliament dissolved for resisting a minister, declaring

declaring himself the minister of the crown, and not the minister of the state; and have when appealed to against their representatives sent up men of more pliant tempers, we are to suppose they saw at that time some good reason for supporting the influence of the crown against themselves; the sceptre against their mace. If they have shewn no signs of improbation when a vast and unusual weight of numbers and consequence has been suddenly thrown into the House of Lords, we must conclude that the people of that period apprehended no danger from a great increase of power and influence in the aristocratical branch of the constitution. If the government and patronage of an immense unrepresented territory has been transferred to the disposition and control of his majesty's ministers, without creating any alarm in the nation, we are obliged to believe that no reasonable jealousy of the too great influence of the crown then existed in the nation. If ever they have cheerfully consented to commute the price of a commodity, which nobody was obliged to purchase, for a very heavy obligatory tax upon one of the most general and necessary benefits of nature, they must to be sure have considered the present made by this means to a powerful body of men out of their pockets as a fair compensation for support to

be given to some Whig administration much attached to the popular cause. If they have ever submitted without a murmur to the extension of the excise laws, so odious to their ancestors, and to the introduction of excisemen into private dwellings; and silently assented to having the ultimate decision upon numerous and complicated internal duties referred to the opinion of *one judge* instead of a *jury*; they must certainly, at that moment, have considered revenue as of more consequence than liberty. If they have ever given their countenance to great and expensive armaments without being informed or caring to inquire into their necessity or destination, their blind confidence in the minister of that day had, no doubt, been justified by his approved sincerity and skill; nor would it have been any matter of surprise if they should have seen, without envy or regret, the principal offices of the state, and their great emoluments, accumulated upon the head of such a minister, and his family and creatures. And if in any very critical emergency a minister has ever assumed with the consent and approbation of the nation the whole powers of the constitution, the nation must have felt assured that these exorbitant powers might safely be trusted in the hands of a man without envy or pride or ambition;

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some "Israelite indeed in whom there was no
"guile."

I have heard it cited as an instance of the moderation of the ministry, and the liberty of the times, that this libel upon the constitution has not been brought into the courts, or burned into consequence by the common hangman. For my part I confess myself not so much edified with this prudent reserve. When *ministers* have been attacked, the vengeance of the law has of late been more than once called forth; but in defence of the *constitution* they have not so much as moved a finger: nor was it perhaps to be expected they should. The object of these writers is to prove that England has not a free constitution; a position which it is the immediate interest of a bad minister to maintain, and which the best will not find himself entirely free to controvert. God help the liberties of this or any other nation which are to look up to ministers for their support!

Did it become an obscure and humble man to offer advice to the sublime personages who direct our affairs, I should, with all diffidence, recommend it to them at this juncture to prevent the wishes of the nation by bringing forwards in a manly honest way these constitutional

tional reparations and reforms which time has made necessary, or for which no opportunity has been given to the prudent caution of our fathers. The final success of the French Revolution becomes every day more probable ; a new generation is rising up fast to its support, unbroken to the saddle or the yoke ; and if the English should become jealous of any supposed superiority in a nation on whose political existence they have been so long accustomed to look down with disdain, something in this way must be done ; by moderate concessions, granted above all while they can still wear the captivating graces of a free gift, things may always be prevented from running to dangerous extremes. In a crisis, too, like the present, where men who have vilified the constitution are upon the watch for something to authorise their evil report, it might be prudent to restrain a little of the adulatory correspondence, of which the minister and not the monarch is in reality the object. A minister chaunting forth his own praises in a canticle known to be of his own inditing, echoed back by thanking himself, for his own exploits, surely rather gives a proof of his vanity than his discretion. Though a good understanding between the different branches of the legislature is always to be wished, they have also separate rights and duties of which they cannot be too tenacious ; and their excessive complaisance

plaisance for each other ought at all times to awaken a prudent jealousy in those whose agents they are. The ministers who conceive that because we are attached to the monarch as holding and preserving the balance of the constitution, that we are therefore at all disposed to allow him to assume the power of controuling the constitution, will be taught, that we know how to distinguish between the constitution and the administration of it. Let them not deceive themselves; the temporary anarchy produced in France, by going too far may serve to place the value of our well-poised government in a stronger light, and make us therefore more unwilling to relinquish it; but furnishes at the same time a terrible example of the facility with which arbitrary institutions may be destroyed. If as things now stand our government is destined to undergo any change, it will not be towards an arbitrary government either in form or effect; the spirit of the times is so far very happily otherwise directed. If any minister shall venture to attempt to force it into that direction, it will recoil upon that minister's head with a very dangerous *momentum*. I would also recommend it to them to repress within more decent bounds the zeal of their mercenary prints: a laboured panegyric upon the constitution, comes with a suspicious effect, while publications commonly supposed to be in
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pay of ministry, are allowed uniformly and systematically to maintain doctrines the most adverse to it; passive obedience and blind submission, are fitter for an Asiatic Viceroy than a British minister; base and unlimited compliance, such as a free people should disdain to bestow, and the agent of a free people be ashamed to receive. "An implicit faith," says an author, whose principles seem to be again coming into vogue *, "is given to the meanest artificer in his own craft; how much more is then due to the (minister of the) prince in the profound secrets of government, the causes and ends of the greatest politics; actions and motives of state, dazzle the eyes, and exceed the capacity of all men, save those that are hourly versed in the management of public affairs."

According to this new confidence, or this old confidence to be now revived, the king is to confide in the wisdom of the minister; the parliament is to confide in the wisdom of the minister; the nation is to confide in the wisdom of the minister; and to stretch *their* confidence to his honesty also; as if we were to suppose, that none of these parties had any

* Sir Robert Filmer.

wisdom or virtue of their own. And not only the direction of all measures, but of the national principle itself, is to be regulated at the discretion of one man. Whether abroad this principle is to be warlike or pacific; for conquest and extended dominion, or for the cultivation of commerce and colonization; whether friendly or hostile to the liberties of Europe; and whether at home the essence, or merely the forms of the constitution, are to be maintained; are neither to depend on the sentiments and opinions of the people, nor the wisdom and virtue of parliament, nor the grave deliberation of the king in council; but upon the mere capricious determination of one man, in the secret recesses of his own mind. If it should ever come to be established, that the minister is to make war or peace, to raise armies and fleets, and to lay taxes on his implicit authority in the first instance, and then to come to parliament merely to ratify his proceeding as a matter of course, under what forms the government may be carried on will be of little importance; it will in effect be as despotic as the most unlimited monarchy in Europe.

The declared intention of Thomas Paine's book being to excite the people to level all distinctions; Whigs and Tories, the lovers of monarchy and the friends to the popular side are equally obnoxious in his sight so long as they

preserve any attachment to that *very imperfect thing, a mixed government** ; nay according to a principle of the human mind (by which the preference of hate in religious sects is commonly reserved for those whose tenets approach the nearest to each other—The present endeavour of the Presbyterians in Ireland to form a junction with the Papists against the Lutheran church—The late determination of a right honourable gentleman to forsake his best friends and join with his worst enemies—and a thousand other equally curious moral and political phenomena might be accounted for and explained) it is probable that Thomas hates a Whig still more than he does a Tory ; for certainly of the two the Whigs are the most strongly attached to that “ mixed constitution ” which he so earnestly labours to overturn. With a view of decrying the Whig party, topics otherwise foreign to his subject are invidiously brought forward. He touches upon the *coalition* like a person who endeavours to give pain by pressing upon an old sore ; and introduces the conduct of parties on the business of the regency, not so much to shew that the Tories were wrong, as that the Whigs were not right ; but the parliament in which these affairs were transacted being dead and gone, they are now become objects of fair historical discussion ; and though the “ nation (as Mr. Paine expresses

* P. 162.

“it) having once committed itself, however
 “rashly, might, for a time, feel itself urged
 “along to justify, by continuance, its first
 “proceeding;” it would be paying but an ill
 compliment either to the temper or understand-
 ing of the people to suppose that, after ten
 years, they should be still incapable of meeting
 a review of their conduct with any sort of im-
 partiality. I confess I am one of those who
 have always considered the Whig coalition, in
 the parliament of 1783, as a measure perfectly
 honourable to that party; and I am very
 willing to explain the grounds upon which this
 opinion is founded. In carrying on the official
 government, two very distinct modes of admin-
 istration have, at different times, more or less
 prevailed; the one (to borrow again the lan-
 guage of Mr. Paine) arising *out* of the parli-
 ament, and the other *over* the parliament. The
 Tories have always contended that all the
 measures of government ought to be at the
 will and pleasure of the crown; and that the
 king calls his parliament to frame laws, and
 what is still more essential, to grant supplies;
 but not to meddle with the administration of
 affairs. The Whigs on the other hand assert,
 that parliament is properly the great council of
 the nation, and ought to take a leading part
 in the conduct of all the public business; that
 the House of Commons in particular, being
 entrusted with the national purse, has it in

strict duty to control those transactions which require the aid of public money ; to examine, with the most scrupulous attention, their object, and to judge beforehand of their necessity. Such have been the tenets, and such the proceedings of these parties during the present reign. The Whig administrations have indeed been rare, and of short duration ; but in no period have they more strictly adhered to their principles though in this adherence they must have foreseen almost a certainty of their fall. The first ministry appointed by the king, went upon the avowed intention of delivering the crown from the bondage of parliament ; but the nation was not at that time ripe to receive a doctrine which they have since given into with such headlong security. This ministry presently sunk under the general odium ; and left behind it the system of the *double cabinet*, by which so many short-lived administrations were successively appointed and dismissed.

In 1765 the discontents ran so high, that it was found absolutely necessary to suspend the system, and to allow an administration once more to place its strong hold in parliament ; but though suspended, it was not abandoned ; and every effort was used to render the parliamentary constitutional administration of the Marquis of Rockingham weak and inefficacious : and when the king's friends had succeeded in their endeavours

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vours within doors and without, to counteract the measures of his ministers, we may remember the language they held was, " Well ! we have " tried your *virtuous* administration, but they " have wanted strength to support themselves ; " not perceiving that what they designed for satire was in fact the highest praise ; that to be weak in corrupt influence, is to be strong in honesty. This new victory of court influence over parliamentary controul, was followed by sixteen years, the darkest that are to be found in the British annals ; the humiliating triumphs of Wilkes, and Horne, and Junius, provoked and necessitated by the unconstitutional proceedings of ministers ; and the same unconstitutional principles obstinately pursued through the disgrace and ruin of a ten year's civil war. In 1782, the patience of the nation, and it is somewhat of an asinine endurance, was again worn out, and Lord Rockingham and his friends were a second time reluctantly invited to take the helm till the storm should subside, or till, by the operation of certain counter-manceuvres, it might again be made impossible for them to steer the vessel. On the death of Lord Rockingham, in the same year, a man was placed at their head, in whom they could not confide ; they of course returned to their private stations. Such was the state of things immediately previous to the *coalition*. The Marquis of Lansdown was at the head of an administration, but little esteemed
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by any part of the nation ; the Whig party remained firmly united under the auspices of one of the first characters in the kingdom * ; and a third party consisted of those men who had acted with Lord North in his unfortunate administration. Now if there were any set of men more particularly impressed with the fatal effects of extra-parliamentary administration, it certainly was this party. Lord North having been engaged to commit himself for the American war, which was at first the war of the nation, had been drawn on to continue it, year after year, by the mere dead weight of his majorities, against the voice of the nation, against the feelings of parliament, nay, against his own opinion, with a compliance that cannot be excused, till he found himself overwhelmed in difficulty and distress : to proceed was impracticable ; and to abandon his post would have incurred the additional disgrace of desertion. It is hardly possible to conceive a situation of more humiliation and embarrassment than the latter part of Lord North's administration. He had of all other men received the severest lesson of the danger of standing forward to be responsible for measures hatched in the dark recesses of closets and bed-chambers. He had learned, from bitter experience, the necessity for ministers, who de-

* The Duke of Portland.

fire to serve either with credit and satisfaction to themselves, or with advantage to the country, to take their ground upon free parliamentary discussion ; making the great measures of government the public measures of the state, and not the mere machinations of a cabal or a junto. Under this conviction, what could be more natural or reasonable than to join with that party which had steadily and invariably maintained that ground. Lord North and his friends went over very heartily to the Whig party, because they knew, from their own personal experience, that upon the principle of that party alone an administration could safely and honourably proceed. They became the firmest maintainers of the Whig doctrine ; as among the early religious reformers, the monks were the most strenuous and resolute opposers of the errors of the church of Rome.

By this junction parliament was another time restored to the real effective exercise of its investigating and controuling functions. But by one of those extraordinary misconceptions to which nations as well as individuals are subject, the people were persuaded to consider this junction in another point of view. They suffered themselves to be told, that the cabinet had been taken by storm, and the royal prerogative insolently invaded. That to deny the king the power of chusing his own ministers was to place him be-
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low the situation of every common gentleman, who can chuse his own servants ; and to this absurd cant they listened with complacency ; nay, they were induced to believe, that there was some dangerous mystery in this junction, because one of the parties had uniformly reprobated, in terms of the strongest reproach, those principles which the other party had at last consented to abandon, upon the fullest experience of their evil effect. They believed, and many of them still believe, the word *coalition* to mean some very wicked thing ; as three parts of the people in France would expect to find the word *aristocrat* explained in their dictionaries by all the attributes of the devil. This disposition in the nation, which had been excited with so much industry, was speedily called into effect. A plan of the Whig-coalition ministry to supply, in some sort, the want of representation in our East-India possessions, by giving parliament some immediate inspection and controul in the government of those vast territories, was made the pretext for bringing forward, into open day, the avowal of that secret influence which had hitherto operated in obscurity and concealment. A marvellous coalition indeed took place ; a coalition between the nation and the king's extra-official irresponsible counsellors, to dissolve a parliament for the unusual crime of resistance to the court ; and such was the infatuation of the people, that men, whose whole lives had given
pledge

pledge of their integrity and honest attachment to the popular cause, were driven away with contempt, to make room for any unknown adventurer who could obtain a letter of credit from the court. In so respectable a place as York, with a base insolence that ought not to be forgotten, every personal indignity was offered to a man, whose virtues would have done honour to Rome in her purest times* ; and this conduct was imitated, in a greater or less degree, through the kingdom.

All the consequences, however, of this heterogeneous unnatural conjunction of irreconcilable interests and opposite views, were certainly not foreseen by either of the parties, for each has fallen into the snare it was most anxious to avoid.

The crown has, indeed, a minister independent of the parliament and the people ; and the people have a minister independent of the crown and the parliament ; but what neither of them laid their account for, both the people and the crown have a minister independent upon themselves : the people have made him independent of the crown, and the crown has made him independent of the people ; and both

* Lord John Cavendish.

are pledged to support him even against each other. He may any day chuse his ground, and shift it every day if he pleases. He may alternately play either of them off as he finds occasion. If his measures are threatened with popular odium, he retires under the shadow of the crown. If his predominancy in the cabinet is impatiently endured, he is not afraid of an appeal to the people. In the mean time he has nothing to consider but how to augment and secure his own power against contingent events. To review the measures of the present administration is not here my purpose; I will only remark, that if the friends of the Whigs are asked what that party has done for the nation, they will answer, that during their short and ill-supported direction of affairs, the English *lettres de cachet*, general warrants, were abolished—the deep wound made in the constitution by the proceedings at the Middlesex election was healed—the dangerous prerogative of bringing unlimited claims on the part of the crown was taken away—the American stamp-act was repealed, as a preliminary to an agreement which would have prevented the American war, and the separation of the colonies. These are solid advantages, and improvements, and repairs. When the panegyrists of the present ministry are pressed with the same question, we are referred to the state of the funds for an answer. But if the price of stock

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is a scale to estimate the riches of a country, it is no thermometer of its liberties; for the riches of a nation may mark high when their liberties are at the freezing point. And even supposing that riches were the only things worth attending to, though a minister may understand the best method of coming at them for the purposes of revenue, how he can *create* them is not very easy to understand. But if the honour, or the obstinacy of the nation is pledged for blind unlimited confidence, they must justify it upon the best grounds they can; especially now that it is likely to be frequently called for, if it be true, as is said, that we are to succeed to the French system of intrigue in the foreign cabinets.

I will terminate this digressive article with a short fable. The wolves and the sheep had long lived at enmity, because the wolves wanted to devour the sheep, and the sheep had an objection to being eaten. At last they represented to the sheep that their character had been much mistaken; that they were, in reality very good sort of animals; and desired nothing so much as to come to a good understanding with their worthy friends the sheep; that if they would but part with their dogs, to whose snarling and quarrelsome disposition all the ill-blood between them was owing, both parties might live together upon the best terms in the world.

The sheep consented ; and affairs have ever since been very quietly carried on without resistance or dispute.

The proposal which our dear Thomas has reserved for us, as his last best gift, is *to render the government insolvent for the purpose of taking it into our own hands* ; and he shews us, from the example of France, how easily this may be accomplished. “ If any credit is given,” he says, “ it is to the disposition of the people to “ pay the tax, and not to the government which “ lays it on ; when this disposition expires, “ what is supposed to be the credit of govern- “ ment, expires with it. The instance of “ France under the former government, shews “ that it is impossible to compel the payment “ of taxes by force, when a whole nation is “ determined to stand upon its ground.” That there is no compelling a *whole* nation is clear ; because the part that must be employed to compel the rest is included in the whole ; but it is also clear, that where the payment of taxes cannot be compelled contrary to the general disposition of the people, there will be no taxes at all, for a disposition in the people to pay taxes never can exist any where. If that which never existed can be said to expire, the disposition to pay taxes has expired in France, because the power to compel the payment of them has expired ; and not only the credit of the government

government but THE CREDIT OF THE NATION has expired also. Ruin and bankruptcy have been, and must ever be the consequence. To ruin and bankruptcy this man calmly invites us. The wretch who, with false signals, directs the vessel on shore that he may plunder the wreck, has at least the plea of interest for his wickedness ; but to love unprofitable mischief, to promote destruction for the mere pleasure of contemplating the sufferings of men, is a depravity for which there is no natural source in the human mind ; a wish to see millions reduced at once to all the horrors of beggary, and despair, that a bankruptcy in the English funds must occasion, should seem only to belong to what we are taught to believe of the devil himself. Let us, however, examine the facts and arguments upon which this horrible proposal is endeavoured to be maintained. " If France," he says, " with a revenue of nearly twenty-four millions sterling, with an extent of rich and fertile country, above four times larger than England, with a population of twenty-four millions of inhabitants to support taxation, with upwards of ninety millions sterling of gold and silver circulating in the nation, and with a debt less than the present debt of England, still found it necessary, from whatever cause, to come to a settlement of its affairs, it solves the problem of funding for both countries." But how this
 descrip-

description of the revenues and resources of France, where the funding system never could be established, and the necessity that country was under, *from whatever cause*, of coming to a settlement of its affairs, can be applied to solve the problem of funding in England, any more than the problem of the balance of power, or any problem in Euclid, would, I believe, puzzle an Oedipus to discover.

By way of demonstrating that the actual resources of England are inferior to those of France, he endeavours to prove that the specie in circulation in France is, and always has been, proportionably greater than in England; nay, that in "this respect, she must be in some considerable proportion behind every country in Europe;" by which unfortunate observation he kicks down, at one stroke, the argument he had laboured through eight pages to maintain; for it is an undeniable fact, that England is in some considerable proportion *before* every other country in Europe, in general riches, and that consequently the general riches of a country, cannot, according to his own statement, be estimated by its quantity of specie.

The precious metals may be considered in two points of view, either as commodities, objects of commerce, or as the signs of exchange by which all other commodities are represented

represented or transferred. In the first view, if the cheapness of a commodity, is a proof that the market is sufficiently supplied, money is cheaper in England than in any other country in Europe; that is, a larger quantity of it may be purchased for the same quantity of labour or ingenuity. Considered on the other hand, as the signs of riches, we must be careful not to confound them with the things signified; as signs, they are really of no value, but as the things which they represent exist also. A country may suffer extreme poverty with half the gold in Europe in its hoards, as an individual may perish with hunger amid treasures which he would gladly exchange for a cup of water and a morsel of bread*. Commerce is circulation. Riches, like the natural aliments, must be circulated through the habit before they can nourish and vivify the body; for the use of commerce, at last, can only be to obtain those goods and conveniences which the country does not naturally possess. The wealth of a nation consists in the exchange, or, according to the mercantile phrase, the quick return of riches, and not in their dead possession. To

* You are shewn, in a hotel at Paris, a subterraneous room which the master had secretly contrived to conceal and visit his money. In one of these visits the trap door shut down upon him, and his skeleton was discovered years afterwards lying upon his gold. A good picture of avarice!

estimate the riches of an individual by the quantity of cash in his bureau, would be just as conclusive as to estimate the riches and resources of England, merely by the relative quantity of its gold and silver coin. The gold and silver annually imported into Spain and Portugal, may be compared to food taken into a stomach that has lost the powers of digestion, passing through without affording nutriment or strength. In England, their momentum is multiplied an hundred fold, by the rapidity of their motion.

The real riches of a country are its industry and ingenuity : its agriculture, arts, and commerce ; and where these exist, the signs employed to transfer or represent their produce will never be wanting. The common signs of money were first invented as of readier transfer than the more ponderous or immoveable things which they represent ; when commerce was farther extended, it became necessary to invent still more portable signs, something by which money itself should be represented or transferred ; and bills of exchange, and by degrees all the various modifications of paper currency and credit, have been introduced ; and this system, by which a negotiation is more easily carried between the Antipodes, than formerly between Rome and Athens, though, like all others, liable to abuse, is a marvellous instance of the advancement of human ingenuity.

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In considering the subject of paper currency it is very necessary to distinguish between that which is the *representative* of real riches, and that which is the *substitute* for them. The first is a proof of redundancy of wealth, and a means of its farther increase; the latter indicates absolute poverty within, and precludes the entrance of foreign riches. To understand this, we have only to compare the actual paper currencies of France or England. In England, no person is obliged to receive paper in payment, and yet it is never refused; and it is in value and effect perfectly equivalent with the gold and silver currency, and often preferred as more convenient; the obligation is not upon the people to receive it, but upon those who are authorised to issue it, to exchange it instantly for lawful money, when required; and it is worth as much at Amsterdam or New York, and a great deal more at Bordeaux or Nants, than in London. In France, the paper currency, though the legal money of the nation, is thirty or forty *per centum* below the value of the coin. What Mr. Paine predicates as possible of the funding system in England at some indefinite time, when he says, "*It operates to multiply paper, and to substitute it in the room of money in various shapes, and the more paper is multiplied, the more opportunities are offered of exporting the specie; and it admits of a possibility by extending it to small notes of increasing paper*

till there is no money left, is exactly descriptive of the present situation of France, and has been the immediate consequence of the remedy he proposes to us against the evils of the funding system ; by the very proceeding he would recommend to us, as the means of restoring the balance of gold and silver, and “realising paper credit for coin,” gold and silver currency have utterly disappeared in France ; a louis d’or is to be purchased like a watch or a snuff-box ; that which he predicts will happen to us at some distant and indefinite time, has actually happened in the country he offers to us as an example, in one year after his prophecy. Such is the consistency, and sagacity, and foresight of this heaven-born judge of nations.

The system of funding in England, appears to have contributed much to her extraordinary prosperity. Amongst its principal advantages, is that of furnishing a safe and ready means to put the wealth of individuals into immediate productive activity. Landed security can only be occasionally obtained, and money lent upon it cannot be immediately called in when wanted ; but a security safe and productive, where money may be at all times placed, and at all times recalled at a day’s warning, cannot but afford an admirable facility for the circulation of riches. As to the objection of funding, as old as its institution, that a system
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founded on borrowing must ultimately fail, the experience of an hundred years has rather lessened than increased the apprehension ; after passing, to a great extent, all the bounds that have at different times fixed at its utmost possible latitude, it never appeared stronger than at the present moment ; it may be destroyed by long and disastrous wars, or by internal convulsions, or by a series of vicious administration ; but in the ordinary course of things, there seems to be no reason why it should not continue as long as the activity, and industry, and ingenuity, upon which all national riches must be ultimately supported and maintained.

Common Sense opens with a notable discovery, which the author thinks it afterwards worth while to claim, with great anger, from the rhetor Raynal. (Let. p. 66, 67.) That " society is produced by our *wants*, and government by our *wickedness*." But this is no more than to confound the general idea of government, with the partial idea of criminal law. Criminal laws may be said to be necessitated by our wickedness, but the primary object of government is to *regulate*, and to *punish* only secondary and incidental. In the most virtuous society, men may and will very honestly and conscientiously disagree upon the administration of the affairs of the community. It therefore becomes immediately necessary to establish some

common determined regulation, to refer to in doubtful points. This collective sense of the community upon each of these points, is the simple origin of *law*, and the aggregate sense of these regulations taken together gives the first general idea of a *government*.

As far as probability may be allowed to explore the dark recesses of time, this should seem to have been the progress of civil society. *Men*, in their animal and insulated state, would be at first *hunters*, and would presently form themselves into bands for the greater power and convenience in attacking their prey; and as these bands, when they met, would be liable to dispute their prizes with one another, they would elect the most active and ingenious among them to direct the chase, or command the battle; here we may trace the origin of *monarchy* as well as of war; and to this simple state of society, this simple government seems best adapted. Though the command was absolute, the submission was voluntary; and being conferred for effective purposes, requiring effective powers and abilities, would only be temporary and occasional.

Men would next learn to tame and breed the granivorous race of animals, and *pasturage* is the second step in civilization. The feeding of cattle requires no very active powers, either of
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body or mind ; and these pastors would be content to refer their disputes and contentions to the wiser and more experienced of their elders ; and here we may perceive the beginning of *aristocratical* government.

In process of time, these peaceable pastors would be attacked by some of the hardy and warlike tribes of hunters, to whom they would fall an easy conquest : here a great variety of new civil relations commences. These conquerors, ferocious from education, would treat the conquered people as their servants and dependants, and force them to cultivate the earth, much as we now force the negroes to raise our sugars and cotton and rice ; and this is the probable origin of *agriculture*, which is the third state of civilization ; and to this state we may refer the beginning of that inexhaustible source of civil relations, exclusive property. Here men become stationary, and instead of wandering in search of the animals of the chase, or of fresh pastures for their cattle, built cities, and begin to exercise the arts. As soon as several of these stationary societies or nations came to be formed, they would be desirous of exchanging with each other their different natural productions, or the produce of the arts in which they had learned to excel, and *commerce* would take place. Stimulated by new passions, improved by the acquisition of new ideas, the mind of man
would

would finally attain to its utmost degree of perfection; the abstract sciences and fine arts would be invented and cultivated, and the secrets of nature laid open to his view. Here man becomes a new being of his own creation, differing infinitely more from his animal state, than any other animals do from each other. His ideas, his passions, his wants are increased in an infinite ratio; and to attempt to govern him by the simple relations of his original nature, is just as reasonable as to propose to reduce him to feed upon acorns or live in hollow trees.

This seems to be the most probable history of the rise and progress of human society, if it were of any use to go back into doubtful and obscure origin to establish practical rights.

Systems founded upon arguments *a priori* are not for the use of man. Our finite and erring reason cannot proceed downwards from general causes and universal archetypes, to complete effects and perfect institutions. We must be content to take humble fact for our guide, and to rise by slow and laborious experiment from ignorance to partial knowledge. Systems will be as imaginary and unstable in politics as in philosophy, and of much more danger. The former shine for a moment and disappear, like the harmless corruscations of summer meteors; but the latter are replete with electric and combustible.

bastible matter, of power to mark their course with deep and lasting traces of destruction. To view at once, and before hand, all the possible consequences resulting from general principles, belongs alone to omniscience ; and to combine them in effectual action, to omnipotence. Every thing in the moral world, seems to grow out of relative circumstances ; nay, it should seem, that God has ordained nature herself to proceed in the same course. Modes of existence seem gradually to produce themselves by the energy of their necessities in the same manner that anatomists have observed new vessels to be formed in diseased bodies, by the new or increased action of the parts.

The grand advantage of society over the uncivilized or animal state, is the vast increase that it gives to the numbers, and faculties, and powers of mankind, and consequently to the general sum of human happiness. This is the end and object of *society*. The object of *government*, is to secure to every individual the peaceful enjoyment of whatever share of these he has been able to obtain. Government, in the first instance, guarantees to every man the security of his person and property ; but if government is bound to protect liberty and property, it is consequently bound to protect the advantages arising from them, or it does nothing at all. Every man who has a large property;
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is in some sort the natural representative, the native protector of those persons to whom his estate furnishes the means of support ; he may be said to be the proxy of them all : he therefore comes to election, or deliberation, with a greater weight than a man who answers for nobody but himself ; and this great and natural advantage, resulting from property, is to be protected by the laws, not to be taken away by the laws ; from whence it results, unless I am much mistaken, that a system forcing extreme equality, is a system of extreme injustice.

Nor under the common established dispensation, have those members of society who are the least benefited by it, any reason to complain, so long as their state is better than it would have been without society. To estimate his relative situation, a pauper is to compare himself with a monkey or a bear, as well as with a duke or a nabob ; and his inferiority, in civil society, to the latter, is infinitely small, when compared to his advantages over animal nature : he is, on the whole, an immense gainer by society. These principles appear to me perfectly clear and distinct ; and whatever Mr. Paine may say, I cannot think them less likely to be true, because they have received the universal consent of mankind, as far as we know, in all ages of the world.

The first law of civil society is subordination. Supposing it possible that men should have entered into society in a state of equality ; or that by some violent effort, equality could for a moment be forcibly established, superior industry, or ingenuity, or good fortune, would immediately place one man in a superior situation to another. To oblige men to do their duty in their different stations of life, to render them content with what is unavoidable, and to make this necessary inequality the most productive of good, and the least possibly burthensome and oppressive, has hitherto been the object of morals, and religion, and the laws. Our modern doctors have however determined otherwise—*Dis alitur visum*. As there is no absurdity in physics or ethics, which philosophers are not destined at one time or other to maintain ; the equal rights of man, amid the numberless inequalities incident to our infinitely complicated societies, was reserved for the French sect of *encyclopedians*. I confess myself no admirer of the French philosophers ; they affect a dogmatical manner, the reverse of true philosophy ; a sort of *panisophy*, or universality of command over the opinions of men, which can only be supported by the arts of deception. Their object has been much more to captivate, than to enlighten mankind ; not to make them wiser or better, but to gain an ascendancy over their minds by flattering their passions and their vices.

They have their plots and intrigues, their *esprit du corps*, and their *crie de guerre*; and have been the inventors of all those pantomimical tricks, fitter for a puppet-show than a grave legislative assembly. If the French revolution had been conducted by practical men of sound understandings, the *Somers's* and *Hale's* of our revolution, in 1688, France would probably have been at this time in the full enjoyment of all the benefits of a strong and free government. These men would have disdained to make the people the dupe of such an arrant bubble as the "equal rights of man;" but the almanac-makers and pamphleteers had no chance for any share in the government except by exciting and keeping up some extraordinary effervescence amongst the lower orders of the people. In a little better language, and with somewhat, though not much more decency of manner, they preach the very same doctrines by which the mob has in all ages and countries been excited to sedition. They first endeavour, by a sort of neology of their own, to confound all ideas of right and wrong; and then, by way of securing the continuance of their influence, to establish the constitution itself upon these very principles of sedition which have hitherto been exclusively applied to the subversion of all government. How unfit these *litterati* were to give laws to the great community, might indeed have been foreseen from their management of their own
 little

little province. The republic of letters has ever been opprobrious for its bad government ; its feuds and animosities ; its treacherous wars and tyrannical exclusions. The *odium theologicum* is not more proverbial than the irritable anger of the people, of poets, and philosophers*. National happiness will be no more found in a government maintained by inspiring the people with a ferocious hatred of their superiors than under a tyranny ; nay, it should seem from the example of France, that of the two, this state is more favourable to it than the former. Under all the disadvantages of a bad government, op-

* What opinion these gentry entertain of each other may be learned by the following extracts from one of the most learned and acute of them all. “ Philosophers themselves “ foment the prejudices which are useful to them with as “ much ardour as they endeavour to overturn those which “ are hurtful to them.”—“ They play off their efforts to obtain general fame rather than the suffrages of the enlightened part of mankind ; and they hate each other with a “ rancour which they have not even the prudence to conceal ; “ and yet these feeble beings call themselves philosophers ; as “ if philosophy, before she undertakes to regulate, after her “ own fashion, well or ill, the system of the world, ought not “ to begin by ourselves, and teach us the real value of “ things.”—“ When I consider with attention the empire of “ literature, methinks I see a market-place, where a multitude of empirics, mounted upon their stages, call out to the “ passengers, and impose upon the people, who begin by “ laughing at them, and finish by becoming their dupes.”

ESSAI SUR LES GENS DE LETTRES, par M. D'Alembert.

pressed and impoverished by the court, and the nobility, and the church, the French were celebrated for suavity of manners, and a happy gaiety of disposition, which has often humbled the conscious pride of a free-born Briton. If these have of late totally disappeared from amongst them, it is not owing to the increase of liberty, for that would have added to their cheerfulness and content; but because they have been seduced to substitute for the language and feelings of nature, I know not what semi-philosophical jargon, good for nothing but to harden the heart, and sophisticate common-sense. This tendency was observed thirty years ago, by the encyclopedian I quoted above. This "anatomy of the soul," (he complains) "has intruded itself into our common conversation. We do not talk, we desert; and our societies have lost that gaiety and warmth that was their greatest charm *." Whether under the present order of things, the master of a family retires from his political club or debating society to his evening repose with as light a heart as he was wont to return from mixing in the dance on the green, led on by his sprightly progeny, is, I fear, more than doubtful. Those who would make the happiness of mankind

* PREFACE DE L'ENCYCLOPEDIE.

depend on theories and computation, will find themselves miserably out in their reckoning. Human imagination, upon which all our happiness must ultimately depend, is strangely capricious ; it laughs at reason, and despises calculation. The pleasure that once brightened the countenance, and expanded the heart of a Frenchman, at the sight of the magnificence of Versailles, was perhaps a more delicious sensation than the patriot now feels in contemplating its deserted walls, as a monument of the restoration of liberty. In the former, the ruinous expence of the construction was forgotten amid the splendid scene ; and when he exultingly asked, *Is your St. James's as fine as this ?* he felt not only an interest but a property in all he admired. In the contemplation of its despoiled and desolated grandeur, its silent halls and solitary state-rooms, its dried up fountains and mouldering sculptures, the joys of freedom will be suspended or absorbed in sad reflexions on the vanity of human greatness, and the instability of human institutions. Such are the associated trains of our ideas, that we cannot contemplate what *is*, without reflecting upon what *is not*. The silence will be disturbed by sounds of triumph that are no longer heard, and the solitude peopled with the brilliant forms that shall no more glide over its polished floors. From a scene that used to exhilarate the natural gaiety of a party for the best of the day, all but the philosopher

philosopher will retire to melancholy meditation on the fleeting vanities of the world, and the empty projects of man.

The history of political and religious disputes is the history of hypocrites and enthusiasts, of knaves and dupes. The artful and cunning govern the world by exciting and directing the passions of the simple to their own views and purposes. Under the influence of passion, men are made to believe what they do not understand, and to act what they cannot approve. When the mind is once worked up to enthusiasm, there is no absurdity which will not be implicitly received by the dupes, provided it tends to support the pre-conceived object of their passion. The long age of religious fanaticism appears to decline apace. A general suffusion of a sort of knowledge, and the increasing intercourse of mankind, will probably proceed finally to destroy the empire of that gross ignorance, which is said to be the mother of superstition; and the redundant activity of enthusiastic minds, must overflow through some new vent, and in some new direction. The knaves and hypocrites seem to turn their eyes towards systems of civil government to supply the place of systems of religion, and the object appears but too well adapted to the purpose. The passions may be heated to any point of zeal by political as well as by religious opinions; the

the former may have its persecutions, and martyrs, and saints, and apostles, as well as the former. The "original equality of man" seems quite as well calculated to arm man against man, as the "immaculate conception of the blessed Virgin;" and the real presence of "the abstract imprescriptible Rights of Man" in our complicated societies, as the real presence of the body and blood of Christ, under the elements of bread and wine in the Eucharist. During the reign of superstition, reason was enslaved and bound. Under the reign of political fanaticism, she will be made the pander of folly, and dress her out in her own garb and semblance; and this external appearance will be all that is necessary for the degree of improvement in the general knowledge of the world, which, though it may be sufficient to dispel the thick and palpable darkness of superstition, will by no means furnish any test to distinguish truth from error in difficult and intricate subjects. This enlightened age is not less liable to be deceived than its dark predecessor, but it must be deceived in another way. To the priests have succeeded the philosophers.

If to these the reign of good sense is ever destined to follow, it must be when men, content to be ignorant of what they cannot know, will believe nothing that they do not clearly understand; when there are
neither

neither knaves, nor dupes, nor hypocrites, nor enthusiasts.

In very complicated subjects like this of politics, the difficulty of distinguishing truth from error is in proportion to the combinations of which they admit ; for truth is a single point from which error may deviate in the exact ratio of these possible combinations : to hazard, therefore, our practical happiness upon mere untried abstract theories, must be ever imprudent and unwise. Bayle, the most acute and impartial of all dialecticians, makes the following notable remark upon the science of which he was so great a master. " Philosophy," says he " may be compared to those caustics which are employed in the treatment of wounds to consume the fungous excrescences that prevent the granulation of new flesh, but which, if allowed to go too far, corrode the sound parts, and eat through the bone to the very marrow. So philosophy begins by refuting error, but if it is not stopped there, proceeds to attack truth itself, and goes on till it loses all direction, and finds at last nothing whereon to rest*."

My business is with the work and not with the author, or else I would ask, why is this man an emigrant from America, where liberty

* DICT. CRIT. ART. ACOSTA.

has established her stand, to mix in the troubles of France, or concern himself in the government of England? Is it a *disturbed* rather than a free country, that is his natural element? Are "those fine feelings," which nature has not been "kind enough to blunt," more agreeably excited by the contemplation of foreign tumult than domestic tranquillity? Are his deserts least acknowledged, and his person least considered, where he is best known? Can his talents be employed to no good purpose at his adopted home, that he is driven to make an officious tender of them to a nation he affects to hate and despise? Of the private history of Mr. Paine, I neither know any thing, or wish to inquire*. But these questions arise out of the nature and tendency of his work. "Put no trust," says Rousseau, "in those cosmopolites, who in their writings seek for duties at a distance, while they neglect to perform those which are their immediate concern. A philosopher of this kind loves the Tartars, by way of excuse, for hating his neighbours."

If I were to precognize "*Rights of Man*," in a few words I should say, that it is the work

* I have since read a *life of this author*, in which, besides a good deal of pleasant criticism, many of his arguments are ably answered.

of a shrewd empiric, written in a kind of specious jargon, well enough calculated to impose upon the vulgar, but containing nothing new or ingenious, or deserving of serious attention. The great secret of quackery is to address the passions of men, while they are made to believe, that their understandings only are engaged ; to work upon their hopes and fears, under the mask of reason. Religion and politics, and medicine, are abundant and never-failing sources of empirical frauds. The fear of death, for example, renders nine tenths of mankind a constant prey to the most impudent and ignorant pretenders to medicine ; to-day it is an elixir, which will preserve men from death, as long as it can keep them alive ; to-morrow it is a nostrum, which enters into a conflict with the disease, hand to hand, and expels him by main force out of some door or window of the body ; and the worst of it is, that this gabble is more german to the comprehension of the generality of people than real knowledge ; for one that can read John Hunter, hundreds will be seduced with the popular nonsense of ignorant pretenders. When a mountebank comes to the door of a sensible discreet housekeeper, he will say to him, Friend, go about your business unless you have a mind to be taken up as a vagrant, and whipped and passed to your parish. I and my family are, thank God, in good health, and when any of us are ill, we will use

use such known and tried remedies, as the physician shall prescribe. In the mean time, take away your impudent lying bills and advertisements, designed to impose upon our simplicity, in an art of which we are wholly ignorant, that you may pick our pockets. You shall not fill our heads with vain fears and idle apprehensions, that you may vend your poisonous drugs, which if we were fools enough to take, might occasion real maladies.

The second part of Rights of Man did not fall into my hands, till the foregoing observations were concluded. I see, however, little necessity for adding to them, on account of any thing advanced in this new publication. The author does no more than go over the same ground. If the principles laid down in the first part are false, the superstructure erected upon them in the second, falls to the ground. The points he treats of may be worth considering for themselves, but not in answer to Mr. Paine. If we are determined to preserve and repair our magnificent Gothic structure, with all its venerable ornaments, as well as its strong and convenient apartments, we have nothing to say to his plans and elevations for a neat regular building. A few remarks I will however make upon it. P. 101, he says, "The *only* forms of government are the democratical, the aristocratical, the monarchical, and what is

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" now

“ now called, the representative ;” but in his first part he asserts, p. 165, “ that monarchy, aristocracy, and democracy, are but creatures of imagination, and a *thousand such* may be contrived as well as three !”

He goes on to object to the inconveniencies of the three principles taken *separately* and *absolutely* ; but takes no notice of their operation, when mixed and corrected by each other, as they are in the British constitution, though this was the only object he had to consider.

In absolute monarchies, where all depends upon the will of the monarch, much must consequently depend upon his “ *wisdom* ;” the English constitution has intrusted nothing to his indefinite power, and therefore but little to his wisdom ; no law originates with him ; and the necessity of bringing measures to public discussion before parliament, adduces the necessity of employing some previous wisdom in their preparation, finally to secure more wisdom in their parliamentary examination, before they are carried into effect.

In the same manner, all his objections to aristocracy go only to its separate and absolute principles ; and are not at all applicable to the mixed government of England.

P. 54, he triumphs exceedingly in the superior *cheapness* of the American government. But allowing the fact, that we do pay more than absolute utility requires for the state and pomp of government, the money that it costs is spent among ourselves ; and few are philosophers enough not to partake of the show.—The true question rather is, whether we do more of this than we can afford ; and whether our stewards do not cheat us in the application of the money which we are willing to destine to this purpose ; for to confine an opulent and highly polished nation to the rigid œconomy necessary for a poor or a rising state, is neither necessary nor even expedient.

P. 55, he divides the world between man and beast ; “ generally speaking, we know of “ no other creatures (*animals* probably) that “ inhabit the world but man and beast ;” now, upon the enigmatical signification of the word MAN, almost the whole of the riddle of this modern Sampson depends. The concrete, *a man*, expresses an individual of a known genus ; and *men or mankind* an aggregate of a number of the species ; ideas with which every body is familiar ; but the abstract MAN, being wholly indefinite, may be applied to any fanciful existence, or imaginary system whatever. Man in this universal sense is neither animal nor moral ; neither savage or civilized ; but he is both
or

or either, as best suits the studied confusion of the author. If Mr. Paine had been obliged at setting out, to have given a clear, accurate, intelligible definition of his subject MAN, before he had written on his rights, I am apt to suspect, his work would have been stopped in the threshold.

Many of the facts stated in this second part are as false as the intention of the author is mischievous. P. 101, he states, that “ before the coming in of the Hanoverians*, the taxes were divided in nearly equal proportions between the land and articles of consumption, the land bearing rather the greatest share ; but since that æra thirteen millions *per ann*, of new taxes have been thrown upon consumption.” Now supposing this statement not to be exaggerated, which it is, what does it prove ? that the riches of the nation have, during that period, so much increased, as greatly to exceed the landed property ; and that it was therefore necessary to lay the increased taxes upon the increased riches, when the land, which is fixed property, can only support a fixed and certain charge. That it would have been better for these taxes not to have existed at all, is certain ; but that is not here the question ; it

* As if the taxes had been brought from Hanover.

is merely to inquire if they are unjustly laid ; and that they are, Mr. Paine endeavours to prove by a single fact ; “ several of the most heavy “ and productive taxes,” he says, though he attempts to produce but one example, “ are so “ contrived, as to give an exemption to the “ House of Lords, thus standing in its own “ defence.” “ *The tax upon beer brewed for sale “ does not affect the aristocracy who brew their own “ beer duty free.*”

More mischievous intention, or more fallacy in fact or reason than is comprized in this short sentence never offered itself to the indignation of honest minds. Nothing, thought this incendiary, will be more likely to inflame the mob than to be told, that the Lords have made a law, by which they can drink their beer and porter a half-penny a pot cheaper than common folks ; and he dashes through thick and thin to assert the fact. But is the right, to brew their own beer duty free, confined to the House of Lords ? It is a right not only possessed but exercised by every house-keeper in England out of London ; and in London, I do not believe, that any of their Grace’s or Lordship’s brew their own beer : the beer and porter that is drank in their servants-halls, or by their tradesmen, and labourers, and workmen of all kinds, who are fed with their money, pay the very same duties which are paid by the people in general ;

general ; and, in the country of England, the poorest house-keepers brew their little vessel of ale against Christmas, or a christening, as free from duty as any Lord in the land. In the statement, too, of the gross produce of this tax, he commits a voluntary error ; for having been himself an officer of excise, he could not be ignorant that a very considerable abatement is to be made for drawbacks and allowances ; but it was his object to swell the amount as offensively as possible ; and accurate veracity cannot be attended to by a man who is *resolved to labour as fast as he can.*

The facts regarding this statement, as generally applied, are, indeed to a surprising degree, the contrary of what is here so wickedly suggested. Where the taxes are unequal, the inequality, as it ought to do, presses upon the higher ranks. The house-tax, the window-tax, the servants tax, the coach-tax, the duties on wine, the tax on post-horses, and many others, fall almost exclusively upon the opulent ; and the far greater proportion of the taxes upon all the objects of immediate consumption are directly, or indirectly, ultimately paid by them. “ But,” says he, men of small or moderate estates “ consume more of the productive taxable articles, in proportion of their property, than those of large estates.” How this assertion is to be proved I do not know ; but allowing it
to

to be true, it is no fault of the man of large property, that he consumes no more than he can. "Secondly," he observes, "their residence is chiefly in towns, and their property in houses. "In Birmingham the poor rates are seven shillings in the pound ; and these," he adds, "are but a part of the mischiefs flowing from "the wretched scheme of a House of Lords."

By way of reply to this curious passage, I will ask Mr. Paine three questions.

1. How many persons, "of small or moderate estates, whose property is chiefly in houses," he believes to reside in Birmingham ? (we do not speak of manufacturers who are benefited by the causes which increase the poor.)
2. Whether he will say, that it is the duty of Lord Aylesford, and Lord Coventry, &c. to leave the care of their estates to go and reside at Birmingham, by way of lessening the poor-rates ?
3. How the inequality necessarily resulting from disproportion of property, can be made to flow from the wretched scheme of a House of Lords ?

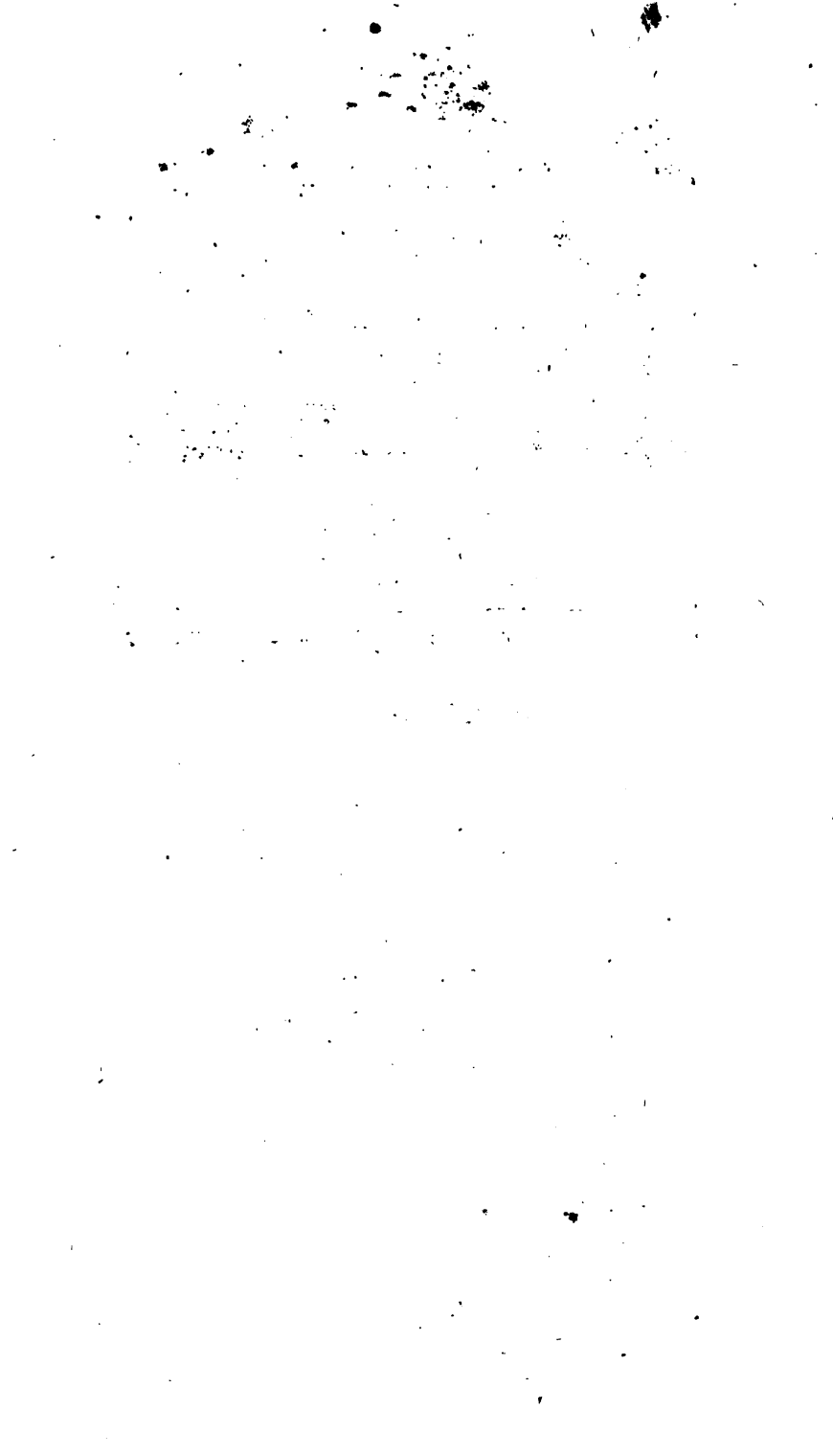
At some future time I may, if it should appear necessary, be led to consider the subjects of this publication, as well as I am able. But this

is not the work of a day. The object of the present work is to warn my countrymen from running into either, of what I conceive to be, two very dangerous extremes ; and to defend a party that has taken its stand under the banners of the constitution. If I have in any degree succeeded, I have done enough for the present. That there are many and deep abuses in the government calling for reparation and reform, no fair reasonable man will dare to deny ; and I affirm, what I believe, that every necessary reparation and amendment may be obtained under the constitution, by regular and lawful means, the moment the nation resolves to stand up to the constitution. On the other hand, I believe, that the constitution, such as it is, with all its imperfections on its head, is infinitely preferable to any thing we are likely to obtain from anarchy and civil war. If the nation deserves an amended constitution, they possess the means of obtaining it in their own virtuous constitutional exertions ; if they do not deserve it, they are still less likely to obtain it when every restraint of law and morality is taken away.

I have now performed my task, honestly, if not ably : of the success of this publication, neither my hopes nor expectations are very sanguine ; the violent, on both sides, it is certain to displease ; and if moderate persons should turn away from the further discussion of these
difficult

difficult and dangerous topics, I shall be but little inclined to dispute the wisdom of their determination. As a work in any degree adequate to the magnitude and extent of the subject, no man will pass a severer sentence upon it than myself. It has been written under the pressure of sickness and misfortune, at broken intervals, and with interrupted attention. Whether it be destined to "walk the town awhile," or to be swept at once from Mr. Stockdale's counter, into the vast lap of oblivion, I cannot feel much concern. The merit of the intention is all I claim. For the rest, my slight labours have already received their reward: they have sometimes beguiled pain, and sometimes suspended sorrow.

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